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Thursday
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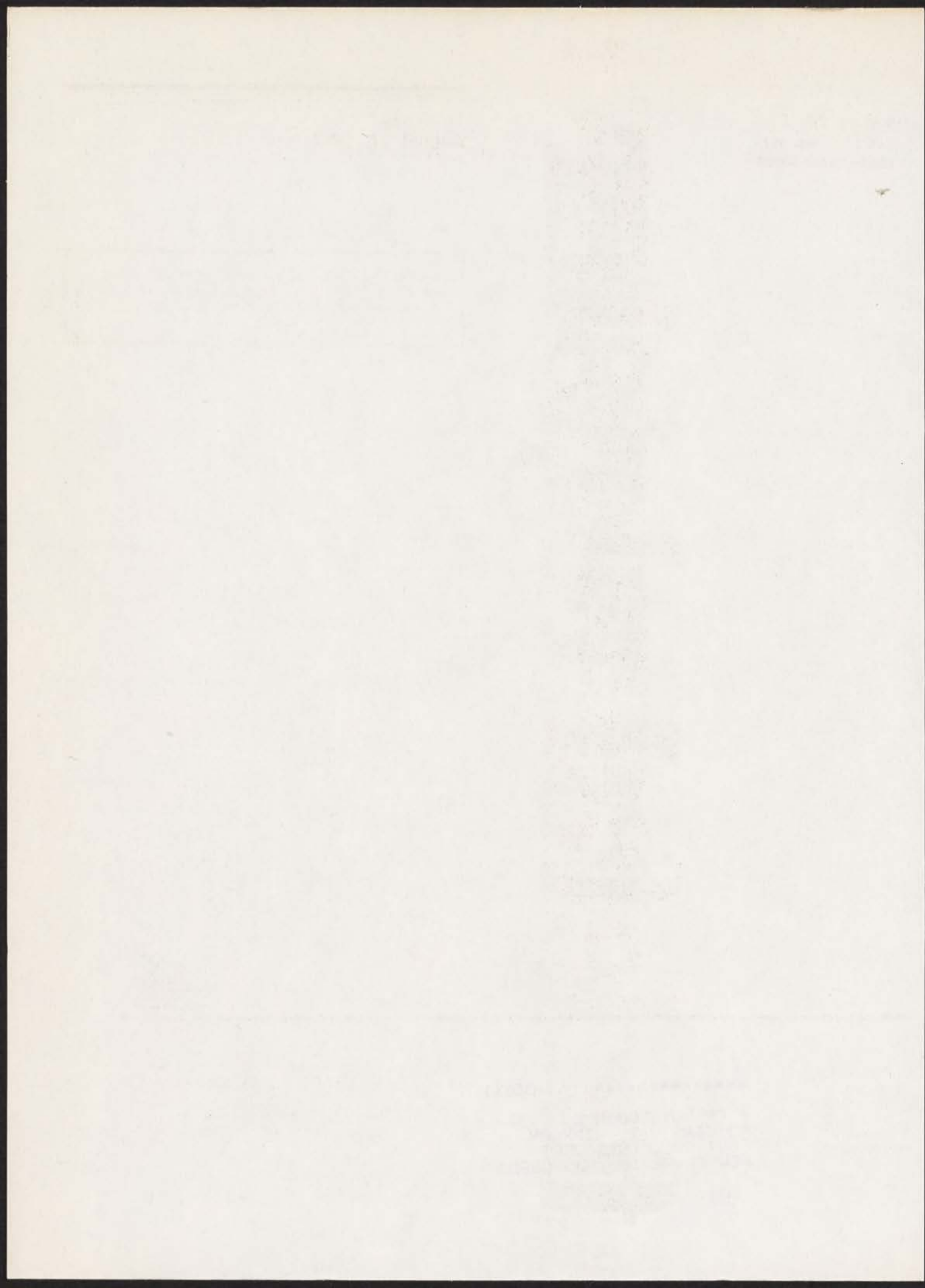
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Briefing on How To Use the Federal Register
For information on a briefing in Atlanta, GA, see
announcement on the inside cover of this issue.



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THE FEDERAL REGISTER

WHAT IT IS AND HOW TO USE IT

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
 2. The relationship between the Federal Register and Code of Federal Regulations.
 3. The important elements of typical Federal Register documents.
 4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

ATLANTA, GA

- WHEN:** September 17, at 9:00 a.m.
- WHERE:** Centers for Disease Control
1600 Clinton Rd., NE.
Auditorium A
Atlanta, GA (Parking available)
[404-639-3528 (Atlanta area)]
- RESERVATIONS:** 1-800-347-1997 (outside Atlanta area)

Contents

Federal Register

Vol. 57, No. 167

Thursday, August 27, 1992

Agency for Toxic Substances and Disease Registry

NOTICES

Meetings:

Toxicological Data Quality and Usefulness of Databases; workshop, 38839

Agricultural Marketing Service

RULES

Cranberries grown in Massachusetts et al., 38745

Agriculture Department

See Agricultural Marketing Service

See Animal and Plant Health Inspection Service

See Cooperative State Research Service

See Federal Crop Insurance Corporation

Animal and Plant Health Inspection Service

RULES

Viruses, serums, toxins, etc.:

Analogous products

Restrictions and use, 38758

Autogenous biologics, 38751

Arts and Humanities, National Foundation

See National Foundation on the Arts and the Humanities

Blackstone River Valley National Heritage Corridor Commission

NOTICES

Meetings; Sunshine Act, 38958

Children and Families Administration

NOTICES

Agency information collection activities under OMB review, 38839

Coast Guard

RULES

Drawbridge operations:

Illinois and Iowa, 38778

Commerce Department

See National Oceanic and Atmospheric Administration

Committee for the Implementation of Textile Agreements

NOTICES

Cotton, wool, and man-made textiles:

Egypt, 38819

Conservation and Renewable Energy Office

NOTICES

Consumer product test procedures; waiver petitions:

Bard Manufacturing Co., 38829

Carrier Corp., 38830

Grant and cooperative agreement awards:

Massachusetts Institute of Technology, 38832

Cooperative State Research Service

NOTICES

Meetings:

Agricultural Science and Technology Review Board, 38818

Defense Department

RULES

Freedom of Information Act; implementation

Defense Intelligence Agency, 38774

NOTICES

Committees; establishment, renewal, termination, etc.:

Government-Industry Technical Data Committee, 38820

DOD directives system annual index:

Change 2 availability, 38820

Meetings:

Government-Industry Technical Data Committee, 38820

Scientific Advisory Group, 38820

Education Department

RULES

Elementary and secondary education:

Chapter 1 program in local educational agencies; implementation, 39066

Postsecondary education:

Student assistance general provisions—

Verification reporting requirements, 39088

NOTICES

Grants and cooperative agreements; availability, etc.:

Individuals with disabilities education program—

Technology-related assistance, reauthorization, 38820

Perkins loan program, etc.—

Fiscal operations report and applications closing date, 39092

Energy Department

See Conservation and Renewable Energy Office

See Federal Energy Regulatory Commission

NOTICES

Grant and cooperative agreement awards:

Financial Energy Management, Inc., 38822

Purdue University, 38821

Wallace Energy Systems, 38822

Natural gas exportation and importation:

Unocal Canada Ltd., 38832

Environmental Protection Agency

NOTICES

Air quality criteria:

Photochemical oxidants, 38832

Toxic and hazardous substances control:

Chemical processing activities; comprehensive

background document availability; meeting, 38832

Water pollution control:

Public water supply supervision program—

Alaska and Washington, 38833

Executive Office of the President

See Management and Budget Office

See Presidential Documents

See Trade Representative, Office of United States

Federal Aviation Administration

RULES

Airspace terminal reconfiguration, 38962

Airworthiness directives:

Fairchild, 38760

PROPOSED RULES

Airworthiness directives:

Boeing, 38784-38788

British Aerospace, 38789
de Havilland, 38791-38793
Fokker, 38798
General Electric Co., 38795
McDonnell Douglas, 38799, 38801
SAAB-Scania, 38802
Short Brothers, plc, 38796

NOTICES

Passenger facility charges; applications, etc.:
Alexander Hamilton Airport, VI, 38909
Cyril E. King Airport, VI, 38909

Federal Communications Commission

NOTICES

Rulemaking proceedings; petitions filed, granted, denied,
etc., 38834

Federal Crop Insurance Corporation

PROPOSED RULES

Crop insurance endorsements, etc.:
Rice, 38783

Federal Energy Regulatory Commission

NOTICES

Natural gas certificate filings:
Williams Natural Gas Co. et al., 38823, 38824
Applications, hearings, determinations, etc.:
ANR Pipeline Co., 38825
ANR Storage Co., 38825
Columbia Gas Transmission Corp. et al., 38826
Freeport-McMoran, Inc., et al., 38826
Kansas Public Service Division of UtiliCorp United Inc. et
al., 38827
MIGC, Inc., 38827
Moraine Pipeline Co., 38828
New England Power Co., 38828
Pacific Gas Transmission Co., 38828
Transcontinental Gas Pipe Line Corp., 38828

Federal Highway Administration

NOTICES

Environmental statements; notice of intent:
Brunswick and New Hanover Counties, NC, 38910
Washtenaw County, MI, 38910
Meetings:
Intelligent Vehicle-Highway Society of America, 38911
Nationwide intelligent vehicle highway system
development; information request, 39054

Federal Maritime Commission

PROPOSED RULES

Maritime carriers in foreign commerce:
Unpaid freight charges; adjudication jurisdiction, 38807

NOTICES

Agreements filed, etc., 38834
Casualty and nonperformance certificates:
Frontier Cruises Ltd., 38834

Federal Reserve System

NOTICES

Meetings; Sunshine Act, 38958

Federal Trade Commission

NOTICES

Prohibited trade practices:
CDB Infotex et al., 38834

Financial Management Service

See Fiscal Service

Fiscal Service

RULES

Book-entry Treasury bonds, notes, and bills; Treasury
circular, Public Debt Series No. 2-86, 38773

Fish and Wildlife Service

RULES

Migratory bird hunting:
Seasons, limits, and shooting hours; establishment, etc.,
39072

NOTICES

Endangered and threatened species permit applications,
38855

Food and Drug Administration

RULES

Tea Importation Act:
Tea standards; establishment, 38770

NOTICES

Food additive petitions:
ICI Americas, Inc., 38840
Meetings:
Advisory committees, panels, etc., 38840

General Services Administration

NOTICES

Meetings:
Business Advisory Board, 38839

Health and Human Services Department

See Agency for Toxic Substances and Disease Registry
See Children and Families Administration
See Food and Drug Administration
See Health Care Financing Administration
See Health Resources and Services Administration
See Public Health Service

Health Care Financing Administration

RULES

Medicaid:
Management information system; changes in
requirements, performance standards, and reapproval
conditions; notification procedures, 38778

NOTICES

Medicare:
Home health agency costs per visit; schedule of limits;
correction, 38959

Health Resources and Services Administration

See Public Health Service

NOTICES

Meetings; advisory committees:
October, 38842

Housing and Urban Development Department

PROPOSED RULES

Privacy Act; implementation, 38804

NOTICES

Agency information collection activities under OMB review,
38848
Grant and cooperative agreement awards:
Shelter plus care program, 38850

Interior Department

See Fish and Wildlife Service

See Land Management Bureau**Internal Revenue Service****PROPOSED RULES****Procedure and administration:**

Continuation of life of limited partnerships

Clarification; correction, 38959

International Trade Commission**NOTICES****Import investigations:**

Integrated circuit telecommunication chips and products containing same, including dialing apparatus, 38855, 38856

Interstate Commerce Commission**PROPOSED RULES**

Uniform system of record of property changes for railroad companies; elimination, 38810

NOTICES**Railroad services abandonment:**

Rahway Valley Railroad Co., 38856

Justice Department**RULES**

Inmate grievance procedures; standards, 38773

Organization, functions, and authority delegations:

Prisons Bureau Director; Federal tort claims settlement, 38771

NOTICES**Pollution control; consent judgments:**

Public Service Co. of Colorado, 38856

Steiner, Randall, et al., 38857

Labor Department*See Mine Safety and Health Administration**See Pension and Welfare Benefits Administration***Land Management Bureau****RULES****Public land orders:**

Alaska, 38782

NOTICES**Closure of public lands:**

Wyoming, 38850

Coal leases, exploration licenses, etc.:

Colorado, 38851

Realty actions; sales, leases, etc.:

California, 38851

Minnesota, 38852

Wyoming, 38852

Resource management plans, etc.:

Eugene District, OR, 38853

Withdrawal and reservation of lands:

Arizona, 38854, 38855

Washington; correction, 38855

Management and Budget Office**NOTICES****Circulars, etc.:**

A-110, 39018

Mine Safety and Health Administration**PROPOSED RULES****Coal mine safety and health:**

Underground coal mines—

High-voltage longwall equipment standards; revision, 39041

Electrical equipment:

Electrical motor-driven mine equipment and accessories—

High-voltage longwalls; revision, 39036

National Foundation on the Arts and the Humanities**NOTICES****Meetings:**

Challenge/Advancement Advisory Panel, 38861

National Oceanic and Atmospheric Administration**PROPOSED RULES****Fishery conservation and management:**

Gulf of Mexico and South Atlantic coast migratory pelagic resources, 38810

NOTICES**Endangered and threatened species:**

Recovery plans—

Hawksbill sea turtle, 38818

Permits:

Endangered and threatened species, 38818, 38819

National Science Foundation**NOTICES**

Agency information collection activities under OMB review, 38861

Antarctic Conservation Act of 1978; permit applications, etc., 38881

Meetings:

Chemistry Special Emphasis Panel, 38882

Education and Human Resources Advisory Committee, 38882

Elementary, Secondary, and Informal Science Education Special Emphasis Panel, 38882

Industrial Innovation Interface Special Emphasis Panel, 38883

Mechanical and Structural Systems Advisory Committee, 38883

Molecular and Cellular Biosciences Special Emphasis Panel, 38883

Polar Programs Special Emphasis Panel, 38883

Undergraduate Education Special Emphasis Panel, 38883

Nuclear Regulatory Commission**NOTICES**

Agency information collection activities under OMB review, 38884

Environmental statements; availability, etc.:

TU Electric Utilities Co., 38884

University of—

Alaska Fairbanks, 38885

Virginia Electric & Power Co., 38889

Applications, hearings, determinations, etc.:

Globe X-Ray Services, Inc., 38890

Yankee Atomic Electric Co., 38891

Office of Management and Budget*See Management and Budget Office***Office of United States Trade Representative***See Trade Representative, Office of United States***Pacific Northwest Electric Power and Conservation Planning Council****NOTICES****Power plan amendments:**

Columbia River Basin fish and wildlife program, etc., 38892

Northwest conservation and electric power plan, 38892

Pension and Welfare Benefits Administration**NOTICES**

Employee benefit plans; prohibited transaction exemptions:

J.J. Johnson & Associates Employees Profit Sharing Trust,
38857

Old Kent Bank & Trust Co., 38859

Personnel Management Office**RULES**

Retirement:

Civil Service Retirement System—

Employees covered by CSRS and social security, 38743

Postal Service**NOTICES**

Meetings; Sunshine Act, 38958

Presidential Documents**PROCLAMATIONS**

Generalized System of Preferences; amendments (Proc.
6465), 39095

Public Health Service

See Agency for Toxic Substances and Disease Registry

See Food and Drug Administration

See Health Resources and Services Administration

NOTICES

Grants and contracts activities, orientation for applicants
and recipients of awards; training course, 38843

Organization, functions, and authority delegations:

Assistant Secretary for Health, 38844

Privacy Act:

Systems of records, 38845

Securities and Exchange Commission**NOTICES**

Self-regulatory organizations; proposed rule changes:

American Stock Exchange, Inc., 38894, 38895

MBS Clearing Corp., 38896

National Association of Securities Dealers, Inc., 38902,
38904

National Securities Clearing Corp., 38901, 38903

Participants Trust Co., 38904, 38905

Applications, hearings, determinations, etc.:

North American Security Life Insurance Co. et al., 38906

State Department**NOTICES**

Meetings:

Shipping Coordinating Committee, 38908

Tennessee Valley Authority**NOTICES**

Privacy Act:

Computer matching programs, 38908

Textile Agreements Implementation Committee

See Committee for the Implementation of Textile
Agreements

Toxic Substances and Disease Registry Agency

See Agency for Toxic Substances and Disease Registry

Trade Representative, Office of United States**NOTICES**

China:

Market access barriers; investigation, 38912

Transportation Department

See Coast Guard

See Federal Aviation Administration

See Federal Highway Administration

RULES

Air carrier authority applications; procedures and evidence,
38761

Treasury Department

See Fiscal Service

See Internal Revenue Service

NOTICES

Agency information collection activities under OMB review,
38911, 38912

Separate Parts In This Issue**Part II**

Department of Transportation, Federal Aviation
Administration, 38962

Part III

Office of Management and Budget, 39018

Part IV

Department of Labor, Mine Safety and Health
Administration, 39036

Part V

Department of Transportation, Federal Highway
Administration, 39054

Part VI

Department of Education, 39066

Part VII

Department of the Interior, Fish and Wildlife Service, 39072

Part VIII

Department of Education, 39088

Part IX

Department of Education, 39092

Part X

The President, 39095

Reader Aids

Additional information, including a list of public
laws, telephone numbers, and finding aids, appears
in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR**Proclamations:**

6465.....39095

5 CFR

831.....38743

7 CFR

929.....38745

Proposed Rules:

401.....38783

9 CFR

101.....38751

102.....38758

112.....38751

113.....38751

14 CFR

39.....38760

71.....38962

201.....38761

202.....38761

204.....38761

291.....38761

302.....38761

Proposed Rules:

39 (12 documents).....38784-

38802

21 CFR

1220.....38770

24 CFR**Proposed Rules:**

2003.....38804

26 CFR

301.....38960

28 CFR

0.....38771

40.....38773

30 CFR**Proposed Rules:**

18.....39036

75.....39041

31 CFR

357.....38773

32 CFR

292.....38774

33 CFR

117.....38778

34 CFR

200.....39066

668.....39088

42 CFR

433.....38778

43 CFR**Public Land Orders:**

6942.....38782

46 CFR**Proposed Rules:**

571.....38807

49 CFR**Proposed Rules:**

1201.....38810

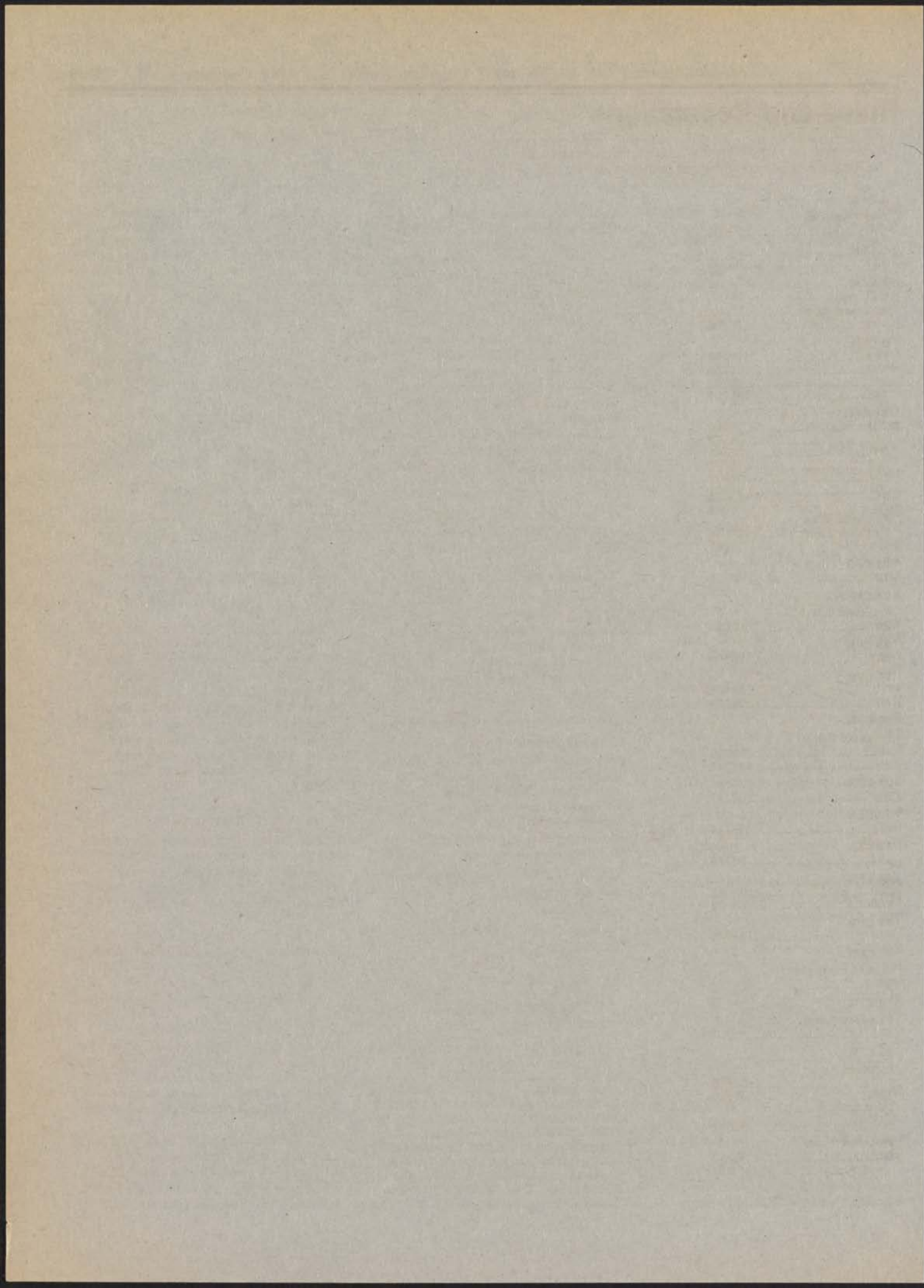
1262.....38810

50 CFR

20.....39072

Proposed Rules:

642.....38810



Rules and Regulations

Federal Register

Vol. 57, No. 167

Thursday, August 27, 1992

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 831

RIN 3206-AD58

Civil Service Retirement System; Employees Covered by Both Civil Service Retirement System and Social Security

AGENCY: Office of Personnel
Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing rules required to implement certain provisions (5 U.S.C. 8334(k) and 8349) added by section 201 of the Federal Employees' Retirement System (FERS) Act of 1986, Public Law 99-335, effective January 1, 1987. The regulations add a subpart J to 5 CFR part 831, implementing these provisions. They provide the rules applicable to employees covered by the Civil Service Retirement System (CSRS) who are also subject to full Social Security taxes on their wages deriving from that Federal employment.

EFFECTIVE DATE: September 28, 1992.

FOR FURTHER INFORMATION CONTACT:
H.T. Newland, (202) 606-0299.

SUPPLEMENTARY INFORMATION: On December 6, 1991, OPM published (56 FR 83879) proposed regulations and requested comments on those proposed regulations to implement the provisions of the Federal Employees' Retirement System (FERS) Act of 1986, Public Law 99-335, effective January 1, 1987, applicable to employees covered by CSRS who are also subject to full Social Security taxes on their wages deriving from Federal employment.

We received no timely comments on the proposed regulations. However, we believe that minor clarification on two points would be useful.

In the case of an offset from an employee annuitant, a portion of the employee's earned Social Security

benefit is deducted from the employee annuity. However, in the case of a survivor annuitant, it is a portion of the Social Security survivor benefit based upon the CSRS Offset service of the deceased employee that is deducted from the CSRS Offset survivor annuity.

In the case of disability annuitants, both the CSRS Offset law and Social Security law (42 U.S.C. 424a) provide for setoff from the other benefit. However, the law is specific that the unreduced CSRS benefit is the basis for the reduction of the Social Security benefit, and the reduced Social Security benefit is then used as the basis for the CSRS Offset computation.

E.O. 12991, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12991, Federal Regulation.

Regulatory Flexibility Act

I certify that, within the scope of the Regulatory Flexibility Act, these regulations will not have a significant economic impact on a substantial number of small entities because they affect only Federal employees and retirees.

List of Subjects in 5 CFR Part 831

Administrative practice and procedure, Alimony, Claims, Disability Benefits, Firefighters, Government employees, Income taxes, Intergovernmental relations, Law enforcement officers, Pensions, Reporting and recordkeeping requirements, Retirement.

U.S. Office of Personnel Management.

Douglas A. Brook,
Acting Director.

Accordingly, OPM is amending 5 CFR part 831 as follows:

PART 831—RETIREMENT

1. The authority for part 831 is revised to read as follows:

Authority: 5 U.S.C. 8347; § 831.102 also issued under 5 U.S.C. 8334; § 831.106 also issued under 5 U.S.C. 552a; § 831.108 also issued under 5 U.S.C. 8336(d)(2); § 831.201(b)(6) also issued under 5 U.S.C. 7701(b)(2); § 831.204 also issued under section 7202(m)(2) of the Omnibus Budget Reconciliation Act of 1990, Pub. L. 105-508, 104 Stat. 1388-339, § 831.303 also issued under 5 U.S.C. 8334(d)(2); § 831.502 also issued under 5 U.S.C. 8337; § 831.502 also issued under section 1(3), E.O. 11228, 3 CFR

1964-1965 Comp.; § 831.621 also issued under section 201(d) of the Federal Employees Benefits Improvement Act of 1986, Pub. L. 99-251, 100 Stat. 23; subpart J also issued under 5 U.S.C. 8349; subpart S also section 6001 of the Omnibus Budget Reconciliation Act of 1987, Pub. L. 100-203, 101 Stat. 1330-275; § 831.2203 also issued under section 7001(a)(4) of the Omnibus Budget Reconciliation Act of 1990, Pub. L. 101-508; 104 Stat. 1388-328.

2. Subpart J, consisting of §§ 831.1001 through 831.1006, is added to read as follows:

Subpart J—CSRS Offset

Sec.

- 831.1001 Purpose.
- 831.1002 Definitions.
- 831.1003 Deductions from pay.
- 831.1004 Agency contributions.
- 831.1005 Offset from nondisability annuity.
- 831.1006 Offset from disability or survivor annuity.

Subpart J—CSRS Offset

§ 831.1001 Purpose.

This subpart sets forth the provisions concerning employees and Members who are simultaneously covered by the Old Age, Survivors, and Disability Insurance (OASDI) tax and the Civil Service Retirement System (CSRS). Except as provided under this subpart, these employees and Members are treated the same as other covered employees and Members under the CSRS.

§ 831.1002 Definitions.

Contribution and benefit base means the contribution and benefit base in effect with respect to the tax year involved, as determined under section 230 of the Social Security Act (42 U.S.C. 430).

CSRS means the Civil Service Retirement System established under subchapter III of chapter 83 of title 5, United States Code.

Employee means an employee subject to CSRS.

Federal service means service covered under CSRS and subject to the OASDI tax by operation of section 101 of Public Law 98-21 (42 U.S.C. 410(a)). "Federal service" does not include—

- (1) Service performed before January 1, 1984;
- (2) Service subject to the OASDI tax only (that is, no simultaneous CSRS deductions), except in the case of an employee or Member who elected not to have any CSRS deductions withheld

from salary pursuant to section 208(a)(1)(A) of Public Law 98-168, 97 Stat. 1111, or section 2206(b) of Public Law 98-369, 98 Stat. 1059, (relating to certain senior officials; and

(3) Service subject to the full rate of CSRS deductions (7, 7½, or 8 percent) and the OASDI tax, pursuant to an election under section 208(a)(1)(B) of Public Law 98-168, 97 Stat. 1111, except in the case of an employee or Member who elects to become subject to this subpart under section 301(b) of Public Law 99-335, 100 Stat. 599.

Federal wages means basic pay, as defined under 5 U.S.C. 8331(4), of an employee or Member performing Federal service.

Member means a Member of Congress as defined by 5 U.S.C. 8331(2).

OASDI tax means, with respect to Federal wages, the Old Age, Survivors, and Disability Insurance tax imposed under section 3101(a) of the Internal Revenue Code of 1986 (31 U.S.C. 3101(a)).

§ 831.1003 Deductions from pay.

(a) Except as otherwise provided in this section, the employing agency, the Secretary of the Senate, or the Clerk of the House of Representatives must withhold 7 percent of an employee's Federal wages to cover both the OASDI tax and the CSRS deduction. The difference between the OASDI tax and the full amount withheld under this paragraph is the CSRS deduction.

(b) For a Congressional employee as defined by 5 U.S.C. 2107 and a law enforcement officer or firefighter as defined by 5 U.S.C. 8331, the appropriate percentage under paragraph (a) of this section is 7½ percent.

(c) For a Member, a judge of the United States Court of Military Appeals, a United States magistrate, and a bankruptcy judge as defined by 5 U.S.C. 8331(22), the appropriate percentage under paragraph (a) of this section is 8 percent.

(d) For any amount of Federal wages paid after reaching the contribution and benefit base calculated including all wages, but before reaching the contribution and benefit base calculated using only Federal wages, the amount withheld under this section is the difference between 7, 7½, or 8 percent, as appropriate, and the OASDI tax rate, even though the Federal wages in question are not subject to the OASDI tax.

(e) For any amount of Federal wages paid after reaching the contribution and benefit base calculated on the basis of Federal wages only, the full percentage required under paragraph (a), (b), or (c)

of this section (7, 7½, or 8 percent) must be withheld from Federal wages.

§ 831.1004 Agency contributions.

The employing agency, the Secretary of the Senate, and the Clerk of the House of Representatives must submit to OPM, in accordance with instructions issued by OPM, a contribution to the CSRS equal to the amount required to be contributed for the employee or Member under 5 U.S.C. 8334(a)(1) as if the employee or Member were not subject to the OASDI tax.

§ 831.1005 Offset from nondisability annuity.

(a) OPM will reduce the annuity of an individual who has performed Federal service, if the individual is entitled, or on proper application would be entitled, to old-age benefits under title II of the Social Security Act.

(b) The reduction required under paragraph (a) of this section is effective on the 1st day of the month during which the employee—

(1) Is entitled to an annuity under CSRS; and

(2) Is entitled, or on proper application would be entitled, to old-age benefits under title II of the Social Security Act.

(c) Subject to paragraphs (d) and (e) of this section, the amount of the reduction required under paragraph (a) of this section is the lesser of—

(1) The difference between—

(i) The Social Security old-age benefit for the month referred to in paragraph (b) of this section; and

(ii) The old-age benefit that would be payable to the individual for the month referred to in paragraph (b) of this section, excluding all wages from Federal service, and assuming the annuitant was fully insured (as defined by section 215(a) of the Social Security Act (42 U.S.C. 414(a))); or

(2) The product of—

(i) The old-age benefit to which the individual is entitled or would, on proper application, be entitled; and

(ii) A fraction—

(A) The numerator of which is the annuitant's total Federal service, rounded to the nearest whole number of years not exceeding 40 years; and

(B) The denominator of which is 40.

(d) Cost-of-living adjustments under 5 U.S.C. 8340 occurring after the effective date of the reduction required under paragraph (a) of this section will be based on only the annuity remaining after reduction under this subpart.

(e) The amounts for paragraphs (c)(1)(i), (c)(1)(ii), and (c)(2)(i) of this section are computed without regard to subsections (b) through (l) of section 203 of the Social Security Act (42 U.S.C. 403)

(relating to reductions in Social Security benefits), and without applying the provisions of the second sentence of section 215(a)(7)(B)(i) or section 214(d)(5)(ii) of the Social Security Act (42 U.S.C. 415(a)(7)(B)(i) or 415(d)(5)(ii)) (relating to part of the computation of the Social Security windfall elimination provisions).

(f) OPM will accept the determination of the Social Security Administration, submitted in a form prescribed by OPM, concerning entitlement to Social Security benefits and the date thereof.

§ 831.1006 Offset from disability or survivor annuity.

(a) OPM will reduce the disability annuity (an annuity under 5 U.S.C. 8337) of an individual who performed Federal service, if the individual is (or would on proper application be) entitled to disability payments under section 223 of the Social Security Act (42 U.S.C. 423).

(b)(1) Before an application for disability retirement under 5 U.S.C. 8337 can be finally approved in the case of an employee who has Federal service, the applicant must provide OPM with—

(i) Satisfactory evidence that the applicant has filed an application for disability insurance benefits under section 223 of the Social Security Act; or

(ii) An official statement from the Social Security Administration that the individual is not insured for disability insurance benefits as defined in section 223(c)(1) of the Social Security Act.

(2) A disability retirement application under 5 U.S.C. 8337 will be dismissed when OPM is notified by the Social Security Administration that the application referred to in paragraph (b)(1)(i) of this section has been withdrawn unless the evidence described in paragraph (b)(1)(ii) of this section has been provided.

(c) OPM will reduce a survivor annuity (an annuity under 5 U.S.C. 8341) based on the service of an individual who performed Federal service, if the survivor annuitant is entitled, or on proper application would be entitled, to survivor benefits under section 202 (d), (e), or (f) (relating to children's, widow's, and widowers' benefits, respectively) of the Social Security Act (42 U.S.C. 202 (d), (e), or (f)).

(d) The reduction required under paragraphs (a) and (c) of this section begins (or is reinstated) on the 1st day of the month during which the disability or survivor annuitant—

(1) Is entitled to disability or survivor annuity under CSRS; and

(2) Is entitled, or on proper application would be entitled, to disability or survivor benefits under the Social

Security Act provisions mentioned in paragraphs (a) and (c) of this section, respectively.

(e) The reduction under paragraphs (a) and (c) of this section will be computed and adjusted in a manner consistent with the provisions of § 831.1005(c) through (e).

(f) A reduction under paragraph (a) or (c) of this section stops on the date entitlement to the disability or survivor benefits under title II of the Social Security Act terminates. In the case of a disability or survivor annuitant who has not made proper application for the Social Security benefit, the reduction under paragraph (a) or (c) of this section stops on the date entitlement to such disability or survivor benefits would otherwise terminate. If a Social Security benefit is reduced under any provision of the Social Security Act, even if reduced to zero, entitlement to that benefit is not considered to have terminated.

(g) OPM will accept the determination or certification of the Social Security Administration, submitted in a form prescribed by OPM, concerning entitlement to Social Security disability or survivor benefits and the beginning and ending dates thereof.

(h) If a disability annuitant who is not entitled to disability benefits under title II of the Social Security Act subsequently becomes entitled to old-age benefits under the Social Security Act, a reduction under § 831.1005 will begin on the 1st day of the month during which the annuitant becomes entitled, or on proper application would be entitled, to Social Security old-age insurance benefits.

[FR Doc. 92-20500 Filed 8-26-92; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR 929

[Docket No. A0-341-A5; FV-89-109]

Cranberries Grown in States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Order Amending the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the marketing agreement and order for cranberries grown in the States of

Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York. The amendments were recommended by the Cranberry Marketing Committee (Committee), the agency responsible for local administration of the marketing order, and were favored by cranberry growers and processors in a referendum held from January 13-31, 1992. The amendments will: (1) Authorize the Committee to conduct production research and development projects; (2) provide a method whereby annual allotments are calculated on the basis of sales histories and add provisions regarding excess cranberries; (3) limit tenure for Committee members; (4) require handlers to pay assessments on the weight of acquired cranberries; (5) add a definition of barrel; and (6) make other miscellaneous changes that would be consistent with the amendments. These changes will improve the administration, operation and functioning of the marketing agreement and other program.

EFFECTIVE DATE: August 27, 1992.

FOR FURTHER INFORMATION CONTACT:

Maureen T. Pello, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2522-S, Washington, DC 20090-6456, telephone (202) 720-5127.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing issued on January 2, 1990, and published in the *Federal Register* on January 4, 1990 (55 FR 295). Recommended Decision and Opportunity to File Written Exceptions issued on January 15, 1991, and published in the *Federal Register* on January 18, 1991 (56 FR 1938). Reopening of the period for filing written exceptions issued on March 5, 1991, and published in the *Federal Register* on March 11, 1991 (56 FR 10189). The exception period was reopened until March 15, 1991. Secretary's Decision and Referendum Order issued on December 18, 1991, and published in the *Federal Register* on December 27, 1991 (56 FR 67003).

This administrative action is governed by the provisions of sections 556 and 557 of title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291 and Departmental Regulation 1512-1.

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This rule will not preempt any state or local

laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Agricultural Marketing Agreement Act of 1937 (Act), as amended (7 U.S.C. 601 *et. seq.*) provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to any order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after date of the entry of the ruling.

Preliminary Statement

This final rule was formulated on the record of a public hearing held in Plymouth, Massachusetts, on January 17, 1990; Cherry Hill, New Jersey, on February 6, 1990; Wisconsin Rapids, Wisconsin, on February 13, 1990; and Portland, Oregon, on February 15, 1990, to consider the proposed amendment of Marketing Agreement and Order No. 929, regulating the handling of cranberries grown in 10 States, hereinafter referred to collectively as the "order." The hearing was held pursuant to the provisions of the Act and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR part 900). The Notice of Hearing contained several amendment proposals submitted by the Committee established under the order to assist in local administration of the marketing order.

This final rule: (1) Authorizes the Committee to conduct production research and development projects; (2) provides a method whereby annual allotments are calculated on the basis of sales histories and add provisions regarding excess cranberries; (3) limits tenure provisions for Committee members; (4) requires handlers to pay assessments on the weight of acquired cranberries; and (5) adds a definition of barrel. The final rule also makes necessary conforming changes.

Upon the basis of evidence introduced at the hearing and the record thereof, the Administrator of the Agricultural Marketing Service (AMS) on January 15, 1991, filed with the Hearing Clerk, Department of Agriculture, a Recommended Decision and Opportunity to File Written Exceptions thereto by February 19, 1991. The Department of Agriculture (Department) received a request that it provide more time for interested persons to analyze the recommended decision and file exceptions. Therefore, the Department reopened the period for filing written exceptions until March 15, 1991 (56 FR 10189). One exception was received from Mr. David M. Farrimond, Manager of the Committee, who raised the following concerns regarding: (1) The inclusion of reporting and accounting requirements under the authority for production research and development; (2) the submission of a grower report by January 15; (3) an agreement between growers and handlers on the disposition of unused annual allotment; (4) the calculation of sales histories on leased or transferred acreage; (5) established cranberry acreage; and (6) staggered terms of office for Committee members. The exception was discussed and noted upon in the Secretary's decision.

A Secretary's Decision and Referendum Order was issued on December 18, 1991, directing that a referendum be conducted during the period January 13-31, 1992, among cranberry growers and processors to determine whether they favored the proposed amendments to the order. In that referendum, growers and processors voted in favor of all five of the amendment proposals listed on the referendum ballot.

The amended marketing agreement was subsequently mailed to all cranberry handlers throughout the production area for their approval. The marketing agreement was approved by cranberry handlers representing more than 50 percent of the volume of cranberries handled by all handlers during the representative period of September 1, 1990, through August 31, 1991.

Small Business Considerations

In accordance with the provisions of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities. Small agricultural producers have been defined by the Small Business Administration (SBA) (13 CFR 121.601) as those having annual receipts of less than \$500,000. Small agricultural

service firms, which include handlers under this order, are defined as those with annual receipts of less than \$3.5 million.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders and rules issued thereunder are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both the RFA and the Act have small entity orientation and compatibility. Interested persons were invited to present evidence at the hearing on the probable impact that the proposed amendments to the order would have on small businesses.

During the 1990-91 crop year, approximately 30 handlers were regulated under Marketing Order No. 929. In addition, there are about 950 growers of cranberries in the regulated area. The Act provides for the application of uniform rules on regulated handlers. Since handlers covered under the cranberry marketing order are predominantly small businesses, the order itself is tailored to the size and nature of these small businesses. Marketing orders, and amendments thereto, are unique in that they are normally brought about through group action of essentially small entities for their own benefit. Thus, both the RFA and the Act are compatible with respect to small entities.

This final rule amends the cranberry marketing agreement and order to include a provision authorizing the Committee to conduct production research and development projects. Presently, the cranberry marketing order authorizes only marketing research and development projects which are designed to assist, improve or promote the distribution and consumption of cranberries. Production-related research conducted on cranberries is usually performed through agricultural extension stations of state universities and colleges. Recent cutbacks in state funding to universities have caused concern within the cranberry industry that production research could be jeopardized, severely restricted or delegated to a lower priority in the future.

Cranberry growers today are encountering increased problems related to production yields. These include not only weather-related problems and diseases caused by fungi and insects, but also increasing environmental concerns, e.g., water and chemical usage and expansion into wetlands. More and

more, Federal and state laws have been implemented which restrict the use of chemicals and oversee water use. In addition, it is becoming more difficult to expand production in wetlands which are protected by Federal and state laws. Research projects which address these concerns would benefit all cranberry growers and could help ensure adequate supplies and increased quality of cranberries to consumers.

The change to replace the current allotment base program with a sales history program is intended to reduce values currently associated with allotment base and reduce barriers to entry to cranberry production and sales. The changes which are intended to reduce barriers to entry are consistent with the Department's 1982 Guidelines for Fruit, Vegetable, and Specialty Crop Marketing Orders (Guidelines). Also included under this issue are definitions of sales history, established cranberry acreage and the term handle; modification of the sections of the marketing order regarding transfers, interhandler transfers, and annual allotment; and the addition of new order sections concerning excess cranberries.

Under this provision, a grower's sales history will be calculated based on such grower's sales, expressed as an average of the best four of the previous six years. Each year, a grower's sales history will be automatically recalculated by the Committee with the newest crop year's sales being added and the oldest crop year's sales being dropped from the six-year period. Sales history will be transferred with the acreage on which it was earned, thus ensuring that a buyer or lessee receives sales history on acreage which is bought or leased. If there is no sales history or less than four years for sales history, sales history will be computed based on the number of years of actual sales until four years of sales is reached or the Committee will use the state average yield multiplied by the grower's cranberry acreage to calculate the grower's allotment. There are also provisions to not penalize a grower who loses a crop for three consecutive years because of natural disasters.

Under the allotment program, when a marketable quantity and an allotment percentage have been established, growers would deliver all of their cranberries to handlers. Handlers could handle only the total of the annual allotments of all growers delivering cranberries to them. Cranberries in excess of those received under allotment would be called excess cranberries and would be able to be used only in

noncommercial and/or noncompetitive markets.

The provision to limit tenure for Committee members will allow for different and more contemporary ideas to be represented on the Committee and is consistent with the Department's Guidelines. Currently, Committee members may serve for unlimited terms of office. This action limits the terms of office that Committee members may serve to three consecutive two-year terms of office. The terms of alternate members will not be limited. Members serving three consecutive terms will again become eligible to serve on the Committee by not serving for one full term as either a member or an alternate member. This action is expected to encourage and foster, to the maximum extent possible, broad-based participation by all industry members of the regulated community in the administration of the marketing order.

The change to add a requirement for handlers to pay assessments on the weight of acquired cranberries will require that all cranberries delivered to a handler, with the exception of excess cranberries, be assessed. Currently an assessment rate per 100-pound barrel is applied to the total barrels of cranberries a handler handled, i.e., canned, frozen, or dehydrated. However, fresh cranberries usually experience a loss in weight, called shrinkage, between the time they are received by the handler and the time they are actually handled. Therefore, the weight lost to shrinkage is not assessed. The Committee recommended that cranberries be assessed based on their weight when acquired by the handler prior to shrinkage. Thus, handlers will be assessed on all cranberries received, with the exception of excess cranberries, and assessments due to shrinkage would not be lost.

The change to add a definition of barrel will reflect current usage of this term in the industry. The marketing order does not include a definition of the term barrel. The term "barrel," which is equal to 100 pounds of cranberries, is used and understood by growers, processors, and handlers. Growers report their sales on a yearly basis in barrels and handlers report the number of cranberries acquired from growers and the disposition of such cranberries during the crop year in barrels.

Miscellaneous changes that are consistent with the adopted amendments are necessary so that all sections of the order are consistent. These changes include deleting and redesignating certain sections of the order.

All of these changes are designed to enhance the administration and functioning of the marketing agreement and order to the benefit of the industry. Accordingly, it is determined that the revisions of the agreement and order will not have a significant economic impact on handlers and growers.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 35), the reporting and recordkeeping provisions that are included in the adopted amendments have been submitted to the Office of Management and Budget (OMB). Any forms associated with these provisions could not be used prior to OMB approval.

List of Subjects in 7 CFR Part 929

Cranberries, Marketing agreements, Reporting and recordkeeping requirements.

Order Amending the Order Regulating the Handling of Cranberries Grown in States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings and determinations upon the basis of the hearing record.* Pursuant to provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure effective thereunder (7 CFR part 900), a public hearing and was held upon the proposed amendments to the Marketing Agreement and Order No. 929 (7 CFR part 929), regulating the handling of cranberries grown in 10 States.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The order, as amended, and as hereby further amended, regulates the handling of cranberries grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and

industrial activity specified in the marketing order upon which hearings have been held;

(3) The order, as amended, and as hereby further amended, is limited in application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the Act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the Act; and

(4) All handling of cranberries grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.*—It is necessary and in the public interest to make all of the amendatory provisions effective upon publication in the Federal Register. Any delay beyond that date would interfere with effective order administration.

This action should be expedited so that the tenure requirements can be implemented as soon as possible because the next new term of office begins on August 1 and the sales history program and other changes can become effective for the next crop year which begins on September 1. In view of the foregoing, it is hereby found and determined that good cause exists for making this amendatory order effective upon publication in the Federal Register, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after publication in the Federal Register (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551-559).

(c) *Determinations.* It is hereby determined that:

Handlers (excluding cooperative associations of growers who are not engaged in processing, distributing, or shipping cranberries covered by the said order, as hereby amended) who, during the period September 1, 1990, through August 31, 1991, handled 50 percent or more of the volume of such cranberries covered by the said order as hereby amended have signed an amended marketing agreement;

(2) The issuance of this amendatory order, amending the aforesaid order, is favored or approved by at least two-thirds of the growers who participated in a referendum on the question of its approval or produced for market at least two-thirds of the volume of such commodity represented in the referendum, all of such growers during the period September 1, 1990, through August 31, 1991 (which has been deemed to be a representative period), having

been engaged within the production area in the production of cranberries for fresh market; and

(3) The issuance of this amendatory order, amending the aforesaid order, is favored or approved by processors who processed more than 50 percent of the volume of cranberries marketed during the representative period.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, all handling of cranberries grown in 10 States shall be in conformity to, and in compliance with, the terms and conditions of the said order as hereby amended as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the Secretary's Decision issued on December 18, 1991, and published in the Federal Register on December 27, 1991, shall be and are the terms and provisions of this order amending the order and are set forth in full herein.

PART 929—CRANBERRIES GROWN IN STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

1. The authority citation for 7 CFR part 929 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. Section 929.10 is revised to read as follows:

§ 929.10 Handle.

(a) Handle means:

(1) To can, freeze, or dehydrate cranberries within the production area or;

(2) To sell, consign, deliver, or transport (except as a common or contract carrier of cranberries owned by another person) fresh cranberries or an any other way to place fresh cranberries in the current of commerce within the production area or between the production area and any point outside thereof in the United States or Canada.

(b) The term handle shall not include:

(1) The sale of non harvested cranberries;

(2) The delivery of cranberries by the grower thereof to a handler having packing or processing facilities located within the production area;

(3) The transportation of cranberries from the bog where grown to a packing or processing facility located within the production area; or

(4) the cold storage or freezing of excess cranberries for the purpose of temporary storage during periods when an annual allotment percentage is in effect prior to their disposal, pursuant to § 929.59.

3-4. Section 929.13 is revised to read as follows:

§ 929.13 Sales history.

Sales History means the number of barrels of cranberries established for a grower by the committee pursuant to § 929.48.

5. Section 929.15 is revised to read as follows:

§ 929.15 Annual allotment.

A grower's annual allotment for a particular crop year is the number of barrels of cranberries determined by multiplying such grower's sales history by the allotment percentage established pursuant to § 929.49 for such crop year.

§ 929.16 [Reserved]

6. Section 929.16 is removed and reserved.

7. A new § 929.17 is added to read as follows:

§ 929.17 Barrel.

Barrel means a quantity of cranberries equivalent to 100 pounds of cranberries.

8. Section 929.21 is revised to read as follows:

§ 929.21 Term of office.

The term of office for each member and alternate member of the committee shall be for two years, beginning on August 1 of each even-numbered year and ending on the second succeeding July 31. Members and alternate members shall serve the term of office for which they are selected and have been qualified or until their respective successors are selected and have been qualified. Beginning on August 1 of the even-numbered year following the adoption of this amendment, committee members shall be limited to three consecutive terms: *Provided*, That committee members representing Districts 1 and 2 shall be limited to two consecutive terms of office for the initial period following adoption of this amendment. The consecutive terms of office for alternate members shall not be limited. Members serving three consecutive terms may become eligible to serve on the committee by not serving for one full term as either a member or an alternate member, unless specifically exempted by the Secretary.

9. Section 929.41 is revised to read as follows:

§ 929.41 Assessments.

(a) As a handler's pro rate share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee during a fiscal period, a handler shall pay to the committee assessments on all cranberries acquired as the first handler thereof during such period, except as provided in § 929.55: *Provided*, That no handler shall pay assessments on excess cranberries as provided in § 929.57. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect, irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each handler during a fiscal period in an amount designated to secure funds sufficient to cover the expenses which may be incurred during such period and to accumulate and maintain a reserve fund equal to approximately one fiscal period's expenses. At any time during or after the fiscal period, the Secretary may increase the assessment rate in order to secure funds sufficient to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all cranberries acquired during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal year, before sufficient operating income is available from assessments, the committee may accept the payment of assessments in advance and may also borrow money for such purposes.

(c) If a handler does not pay such assessment within the period of time prescribed by the committee, the assessment may be increased by either a late payment charge, or an interest charge, or both, at rates prescribed by the committee, with the approval of the Secretary.

10. Section 929.45 is revised to read as follows:

§ 929.45 Research and development.

(a) The committee, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research, and market development projects designed to assist, improve, or promote the marketing, distribution, consumption, or efficient production of cranberries. The expense of such projects shall be paid from funds collected pursuant to § 929.41, or from such other funds as approved by the Secretary.

(b) The committee may, with the approval of the Secretary, establish rules and regulations as necessary for the implementation and operation of this section.

11-12. Section 929.48 is revised to read as follows:

§ 929.48 Sales history.

(a) Determination of sales history.

(1) The initial sales history shall be computed by the committee for each grower using the best four out of six years of such grower's sales history, which shall include all commercial sales from the first complete crop year following adoption of this amendment, plus the prior five years' history of commercial sales, except as otherwise provided in paragraph (a)(5) of this section. For a grower with four years or less of commercial sales history, the initial sales history shall be computed by the committee using all available years of such grower's commercial sales history.

(2) A new sales history shall be computed for each grower after each crop year during which no volume regulation was established, in the same manner as for the initial sales history, except that the most recent crop year shall be used instead of the earliest crop year, and except as otherwise provided in paragraph (a)(4) of this section. The committee, with the approval of the Secretary, may, by regulation, alter the number and identity of years to be used in computing these subsequent sales histories.

(3) A new sales history shall be calculated for each grower after each crop year, during which a volume regulation has been established, using a formula determined by the committee, with the approval of the Secretary.

(4) Beginning with the first complete crop year following the adoption of this section, if a grower has no commercial sales from such grower's cranberry acreage for three consecutive crop years due to forces beyond the grower's control, the committee shall compute a level of commercial sales for the fourth year for that acreage using an estimated production, obtained by crediting the grower with the average sales from the preceding three years during which sales occurred. Any and all relevant factors regarding the grower's lost production may be considered by the committee prior to establishing a sales history for such acreage.

(5) The committee shall compute a sales history for a grower who has no history of sales associated with such grower's cranberry acreage during a crop year when a volume regulation has

been established, using the greater of the following:

(i) The total estimated commercial sales from a grower's cranberry acreage, or

(ii) The state average yield per acre multiplied by the grower's cranberry producing acreage. *Provided*, That a grower having unused allotment and received a sales history computed under either of these methods shall forfeit such unused allotment.

(b) Grower report. Each grower shall file a report with the committee by January 15 of each crop year, indicating the total acreage harvested, the total commercial cranberry sales in barrels from such acreage, and the amount of any new or renovated acreage planted, to allow the committee to compute a sales history for each grower.

(c) The committee may establish, with the approval of the Secretary, rules and regulations necessary for the implementation and operation of this section.

13. Section 929.49 is amended by revising paragraphs (a), (b), (c), and (d), and adding paragraphs (e), (f), (g), and (h) to read as follows:

§ 929.49 Marketable quantity, allotment percentage and annual allotment.

(a) Marketable quantity and allotment percentage. If the Secretary finds, from the recommendation of the committee or from other available information, that limiting the quantity of cranberries purchased from or handled on behalf of growers during a crop year would tend to effectuate the declared policy of the Act, the Secretary shall determine and establish a marketable quantity for that crop year.

(b) The marketable quantity shall be apportioned among growers by applying the allotment percentage to each grower's sales history, established pursuant to § 929.48. Such allotment percentage shall be established by the Secretary and shall equal the marketable quantity divided by the total of all growers' sales histories. Except as provided in paragraph (f) of this section, no handler shall purchase or handle on behalf of any grower cranberries not within such grower's annual allotment.

(c) In any crop year in which the production of cranberries is estimated by the committee to be equal to or less than its recommended marketable quantity, the committee may recommend and the Secretary may increase or suspend the allotment percentage applicable to that year. In the event it is found that market demand is greater than the marketable quantity previously set, the committee may recommend and

the Secretary may increase such quantity.

(d) Issuance of annual allotments. The committee shall require all growers to qualify for that allotment by filing with the committee, on or before April 15 of each year, a form wherein growers include the following information: The location of their cranberry producing acreage from which their annual allotment will be produced; the amount of acreage which will be harvested; changes in location, if any, of annual allotment; and such other information, including a copy of any lease agreement, as is necessary for the committee to administer this part. On or before June 1, the committee shall issue to each grower an annual allotment determined by applying the allotment percentage established pursuant to paragraph (b) of this section to the grower's sales history.

(e) On or before June 1 of any year in which an allotment percentage is established by the Secretary, the committee shall notify each handler of the annual allotment that can be handled for each grower whose total crop will be delivered to that handler. In cases where a grower delivers a crop to more than one handler, such grower's annual allotment will be apportioned equitably among the handlers.

(f) Growers who do not produce cranberries equal to their computed annual allotment shall transfer their unused allotment to such growers' handlers. The handler shall equitably allocate the unused annual allotment to growers with excess cranberries who deliver to such handler. Unused annual allotment remaining after all such transfers have occurred shall be transferred to the committee pursuant to paragraph (g) of this section.

(g) Handlers who receive cranberries more than the sum of their growers' annual allotments have "excess cranberries," pursuant to § 929.59, and shall so notify the committee. Handlers who have remaining unused allotment pursuant to paragraph (f) of this section are "deficient" and shall so notify the committee. The committee shall equitably distribute unused allotment to all handlers having excess cranberries.

(h) The committee may establish, with the approval of the Secretary, rules and regulations necessary for the implementation and operation of this section.

14. Section 929.50 is revised to read as follows:

§ 929.50 Transfers.

(a) Transfers to another grower. A grower who owns cranberry acreage on which a sales history has been

established may transfer the acreage and sales history to another grower. When transfers of acreage occur, transfers of sales history will be made under the following conditions:

(1) A lease agreement between the owner of the cranberry producing acreage and a lessee: Terms of such lease agreement shall be filed with the committee prior to the committee recognizing such transfer. The lease agreement filed with the committee shall include the following information:

- (i) Name of owner and lessee;
- (ii) Starting and ending dates of the lease;
- (iii) Amount of acreage transferred; and
- (iv) The amount of sales history transferred.

(2) Total sale of cranberry acreage. When there is a sale of a grower's total cranberry producing acreage, the seller and buyer shall file a completed transfer form with the committee and the buyer will have immediate access to the sales history computation process.

(3) Partial sale or lease of cranberry acreage. When less than the total cranberry producing acreage is sold or leased, sales history associated with the portion of the acreage being sold or leased shall be transferred with the acreage. The seller and lessor shall provide the committee with a completed transfer or lease form outlining such distribution of acreage and sales history between the parties. Such transfer or lease form shall include that percentage of the sales history, as defined in § 929.48(a)(1), attributable to the acreage being transferred or leased.

(4) No transfer shall be recognized by the committee unless the transferee and transferor notify the committee in writing: *Provided That*, if unusual circumstances exist, the Committee may recognize a transfer when only one form from the transferee or transferor is filed with the committee.

(5) In a year of nonregulation, in the absence of any sales history associated with the cranberry acreage being transferred or leased, the committee shall determine the buyer's or lessee's sales history pursuant to § 929.48 of the order.

(6) During a year when a volume regulation has been established, no transfer or lease of cranberry producing acreage, without accompanying sales history, shall be recognized until the committee is in receipt of a completed transfer or lease form.

(b) The committee may establish, with the approval of the Secretary, rules and regulations, as needed, for the implementation and operation of this section.

15. Section 929.52 is amended by revising paragraph (a) to read as follows:

§ 929.52 Issuance of regulations.

(a) The Secretary shall regulate, in the manner specified in this section, the handling of cranberries whenever the Secretary finds, from the recommendations and information submitted by the committee, or from other available information, that such regulation will tend to effectuate the declared policy of the Act. Such regulation shall limit the total quantity of cranberries which may be handled during any fiscal period either by fixing the free and restricted percentages, which percentages shall be applied to cranberries acquired by handlers during such fiscal period in accordance with § 929.54, or by establishing an allotment percentage in accordance with § 929.49.

16. Section 929.55 is amended by revising paragraphs (a) and (b) and adding a new paragraph (c) to read as follows:

§ 929.55 Interhandler transfer.

(a) Transfer of cranberries from one handler to another may be made without prior notice to the committee, except during a period when a volume regulation has been established. If such transfer is made between handlers who have packing or processing facilities located within the production area, the assessment and withholding obligations provided under this part shall be assumed by the handler who agrees to meet such obligation. If such transfer is to a handler whose packing or processing facilities are outside of the production area, such assessment and withholding obligation shall be met by the handler residing within the production area.

(b) All handlers shall report all such transfers to the committee on a form provided by the committee four times a year or at other such times as may be recommended by the committee and approved by the Secretary.

(c) The committee may establish, with the approval of the Secretary, rules and regulations necessary for the implementation and operation of this section.

17. A new § 929.59 is added to read as follows:

§ 929.59 Excess cranberries.

(a) Whenever the Secretary establishes an allotment percentage pursuant to § 929.52, handlers shall be notified by the committee of such allotment percentage and shall withhold from handling such cranberries in

excess of the total of their growers' annual allotments obtained during such period. Such withheld cranberries shall be defined as "excess cranberries" after all unused allotment has been allocated.

(1) Excess cranberries received by a handler shall be made available for inspection by the committee or its representatives from the time they are received until final disposition is completed. Such excess cranberries shall be identified in such manner as the committee may specify in its rules and regulations with the approval of the Secretary.

(2) All matters dealing with handler-held excess cranberries shall be in accordance with such rules and regulations established by the committee, with the approval of the Secretary.

(b) Prior to January 1, or such other date as recommended by the committee and approved by the Secretary, handlers holding excess cranberries shall submit to the committee a written plan outlining procedures for the systematic disposal of such cranberries in the outlets prescribed in § 929.61.

(c) Prior to March 1, or such other date as recommended by the committee and approved by the Secretary, all excess cranberries shall be disposed of pursuant to § 929.61.

§ 929.60—929.63 and 929.66—929.75 [Redesignated as § 929.62—929.76]

18. Sections 929.60 through 929.63 and § 929.66 through 929.75 are redesignated as follows:

| Old section | New section |
|-------------|-------------|
| 929.60 | 929.62 |
| 929.61 | 929.63 |
| 929.62 | 929.64 |
| 929.63 | 929.65 |
| 929.65 | 929.66 |
| 929.66 | 929.67 |
| 929.67 | 929.68 |
| 929.68 | 929.69 |
| 929.69 | 929.70 |
| 929.70 | 929.71 |
| 929.71 | 929.72 |
| 929.72 | 929.73 |
| 929.73 | 929.74 |
| 929.74 | 929.75 |
| 929.75 | 929.76 |

19. A new § 929.60 is added to read as follows:

§ 929.60 Handling for special purposes.

Regulations in effect pursuant to § 929.10, 929.41, 929.47, 929.48, 929.49, 929.51, 929.52, or 929.53 or any combination thereof, may be modified, suspended, or terminated to facilitate handling of excess cranberries for the following purposes:

- (a) Charitable institutions;
- (b) Research and development projects described pursuant to § 929.61;
- (c) Any nonhuman food use;

(d) Foreign markets, except Canada; and

(e) Other purposes which may be recommended by the committee and approved by the Secretary.

20. A new § 929.61 is added to read as follows:

§ 929.61 Outlets for excess cranberries.

(a) Noncommercial outlets. Excess cranberries may be disposed of only in the following noncommercial outlets that the committee finds, with the approval of the Secretary, meet the requirements outlined in paragraph (c) of this section:

(1) Charitable institutions; and
(2) Research and development projects approved by the U.S. Department of Agriculture for the development of foreign and domestic markets, including, but not limited to, dehydration, radiation, freeze drying, or freezing of cranberries.

(b) Noncompetitive outlets. Excess cranberries may be sold to outlets that the committee finds, with the approval of the Secretary, are noncompetitive with established markets for regulated cranberries and meet the requirements outlined in paragraph (c) of this section. These outlets include:

(1) Any nonhuman food use; and
(2) Foreign markets, except Canada.
(c) Requirements for diversion. The following requirements, as applicable, shall be met by the handler diverting excess cranberries into noncompetitive or noncommercial outlets:

(1) Diversion to charitable institutions. A statement from the charitable institution shall be submitted to the committee showing the quantity of cranberries received and certifying that the cranberries will be utilized by the institution;

(2) Diversion to research and development projects. A report shall be given to the committee describing the project, quantity of cranberries diverted, and date of disposition;

(3) Diversion to a nonhuman food use. Notification shall be given to the committee at least 48 hours prior to such disposition; and

(4) Diversion to foreign markets, except Canada. A copy of the on-board bill of lading shall be submitted to the committee showing the amount of cranberries loaded for export.

(d) The storage and disposition of all excess cranberries withheld from handling shall be subject to the supervision and accounting control of the committee.

(e) The committee, with the approval of the Secretary, may establish as needed rules and regulations for the

implementation and operation of this section.

Dated: August 20, 1992.

Jo Ann R. Smith,
Assistant Secretary, Marketing and
Inspection Services.

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Animal and Plant Health Inspection Service

9 CFR Parts 101, 112, and 113

[Docket 91-184]

Viruses, Serums, Toxins, and Analogous Products; Autogenous Biologics

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations concerning autogenous biologics by: Specifying data that are required to be submitted to the Animal and Plant Health Inspection Service in support of a request to use an autogenous biologic in a herd that is adjacent to the herd of origin; specifying data that are required to use such autogenous biologics in herds which are not adjacent to the herd of origin; specifying that autogenous biologics are prepared for use by or under the direction of a veterinarian under a veterinarian-client-patient relationship; specifying that each serial of product other than the first serial or subserial of product from an isolate, shall not be released before completion of identification, sterility, and safety tests and general requirements for bacterins, toxoids, bacterin-toxoids, bacterial extracts, and killed virus vaccines; specifying that after 15 months from the date of isolation, or 12 months from the date of harvest, whichever comes first, release of additional serials of product require the attending veterinarian's assessment of the continued involvement of the herd with the originally isolated microorganism, evidence of satisfactory protection from previous use of the autogenous biologic, and any other information the Administrator may require in order to determine the need to make additional serials; specifying that after 24 months from the date of isolation, antigenicity of immunogenicity and potency data must be provided in support of a request to use an organism for the production of additional serials of an autogenous biologic; and removing the limitation that autogenous products be used only in emergency situations.

This action ensures that persons seeking approval to use an autogenous biologic or an isolate under the circumstances described above are apprised of the data that must be submitted in support of their request, and that the Agency is provided sufficient information to properly evaluate the use of autogenous biologics in a herd other than the herd of origin. It also provides additional safeguards concerning autogenous biologics.

EFFECTIVE DATE: September 28, 1992.

FOR FURTHER INFORMATION CONTACT:

Dr. David A. Espeseth, Deputy Director, Veterinary Biologics, Biotechnology, Biologics, and Environmental Protection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 838, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8245.

SUPPLEMENTARY INFORMATION:

I. Background

The regulations concerning the production of autogenous biologics are found in 9 CFR 113.113.

Autogenous biologics (vaccines, bacterins, and toxoids) are prepared from cultures of microorganisms which are inactivated and non-toxic. The seed organisms used to produce such autogenous biologics are isolated from sick or dead animals in the herd of origin and which there is reason to believe are the causative agents of the diseases affecting such animals.

On April 23, 1990, we published in the *Federal Register* a proposed rule on autogenous biologics (See 55 FR 15233-15236, Docket No. 89-200). A public hearing on autogenous biologics was held in Ames, Iowa, a August 23, 1990 (See 55 FR 32264, Docket No. 90-159). On August 23, 1991, APHIS published in the *Federal Register* a republished rule on autogenous biologics (See 56 FR 33352, Docket No. 90-146). We solicited comments for 60 days with the comment period ending October 15, 1991. A public meeting on veterinary biologics in Ames, Iowa, on August 15, 1991, was announced in 56 FR 31368 (July 10, 1991, Docket No. 91-087). The agenda for this public meeting included a discussion of the republished rule.

II. Summary and Analysis of Comments

Eleven oral comments and 33 written comments were received for the republished rule. Based on these comments, our responses thereto, and the rationale set forth in the republished rule, APHIS is issuing this final rule on autogenous biologics.

Comments regarding the repropose rule were received from biologics producers, practicing veterinarians, two trade associations, a professional organization, pork and poultry producers, and biologics consultants. The comments received addressed the following issues: (1) The definition of "herd" under § 101.2; (2) the label statement under § 112.7(m); (3) the producer's requirement for a veterinarian-client-patient relationship for the preparation of an autogenous biologic; (4) identification, sterility, and safety tests, and general testing requirements for each serial or subserial other than the first serial or subserial produced from an isolate; (5) the length of time a culture of microorganisms can be used to prepare an autogenous biologic; (6) the number of serials of product which may be produced before 15 months from the date of isolation of the microorganisms used to prepare autogenous biologics; (7) 4-day test reporting; (8) antigenicity or immunogenicity and potency testing after 24 months from the date of isolation; (9) the number of antigens in an autogenous product; (10) a request for an exemption from the regulations for small serials of autogenous biologics; (11) Executive Order 12291; (12) exemption for products produced in a veterinarian's clinic; and (13) circumvention of the licensing requirements for nonautogenous veterinary biologics by producers of autogenous biologics. The comments are discussed in the order of the issues addressed.

III. Changes Made in Response to the Comments Received

In response to the comments, three changes are being made to repropose rule. (1) Proposed § 112.7(m), redesignated § 112.7(l) in the final rule, is revised to indicate that potency and efficacy of autogenous biologics have not been established and that the product is prepared for use only by or under the direction of a veterinarian or approved specialist. (2) Under § 113.113(c)(2)(iv) of the final rule, the time allowed for the use of a culture of microorganisms for the preparation of an additional serial of autogenous biologic before antigenicity or immunogenicity and potency testing are required is increased from 15 to 24 months from the date of isolation. (3) Finally, in § 113.113(c)(2)(iv)(A) of the final rule, APHIS has added a parenthetical explanation of when a biologic is not deemed to be antigenic.

IV. Detailed Discussion of Comments and the Agency's Response Thereto

1. Definition of Herd

One commenter requested that the definitions of "herd" and "herd of origin" in § 101.2 be amended to include poultry flocks in a common poultry operation or complex. The commenter requested that when the principal birds within the poultry complex are moved to a different location within the same complex, the group should still be considered as the same flock. Moreover, the same commenter requested that progeny from breeding flocks transferred within a common poultry operation be considered part of the same flock. Also, birds under the same ownership should be considered as the same flock.

APHIS does not agree with the commenter that birds or progeny within the same poultry operation or under the same ownership should necessarily be considered within the same flock. It is anticipated that different premises within the same poultry operation may harbor organisms different from those in the herd or flock of origin. Moreover, an epidemiological link with the herd or flock of origin, and not just common ownership, is required in order to use an isolate in the treatment of separate herds or flocks (See § 113.113(a)(3)(iii)). Such an epidemiological link may be established by a common source of birds in situations in which the same disease is transmitted by contact. Therefore, no change is made to the regulations in response to this commenter.

2. Labeling the Autogenous Biologics

One commenter indicated that the proposed labeling under § 112.7(m), which requires, in part, the labeling to read: "Potency and efficacy of this product have not been established", might be found alarming and misleading by farmers. The commenter requested that the language under proposed § 112.7(m) be amended to read: "This product is an autogenous biologic and as such, its potency and/or its efficacy have not been established. It is only for use by or under the direction of a veterinarian under a veterinarian-client-patient relationship and only in specific herds (flocks)." The commenter indicated that the statement informs the consumer that the product's lack of potency testing and/or efficacy results are characteristic of autogenous biologics as a class and also clarifies that his/her veterinarian is involved in product usage.

APHIS agrees in part with the commenter. With respect to that aspect

of the comment which relates to efficacy and potency, APHIS believes it is reasonable to inform users that potency and efficacy of autogenous products have not been demonstrated. Thus APHIS has revised the labeling for such products in § 112.7(m) (redesignated § 112.7(l) in the final rule) to read: "Potency and efficacy of autogenous products have not been established."

With respect to that part of the comment which pertains to the use of autogenous biologics by or under the direction of a veterinarian, APHIS has revised redesignated § 112.7(l) to read: "The product is prepared for use only by or under the direction of a veterinarian or approved specialist."

A second commenter stated that since autogenous biologics are not subject to the same testing requirements as other licensed products, the label instructions should remain as proposed.

APHIS does not agree with the comment for the reasons which have been stated in APHIS' response to the previous comment.

3. Producer's Requirement for a Veterinarian-Client-Patient Relationship to Prepare an Autogenous Biologic in a Licensed Establishment

Three oral and six written comments were received regarding the requirement that autogenous biologics be prepared for use by or under the direction of a veterinarian under a veterinarian-client-patient relationship. One commenter indicated that fish aquaculture currently does not employ the services of veterinarians and the requirement would not be feasible because of the unavailability of fish veterinarians.

Two commenters indicated, however, that there are in fact veterinarians trained to treat fish diseases and that the veterinarian-client-patient-relationship requirement in aquaculture, while novel, was not impractical.

A third comment was received from the poultry industry indicating that commercial poultry and small game bird operations often lacked adequate veterinary services.

A fourth comment indicated that many poultry operations, especially small ones, do not employ their own staff veterinarian. The commenter proposed, however, that a veterinarian's assessment be substituted for a veterinarian-client-patient relationship for continued use of a seed microorganism in the production of an autogenous biologic after 15 months from the date of isolation, or 12 months from the date of harvest, whichever comes first.

Yet another commenter expressed approval of the requirement for such a relationship. The commenter explained that there are over 600 veterinarians specializing in poultry. Moreover, there are university programs for training veterinarians in fish pathology. The commenter concluded that veterinarians are available in both the poultry and aquaculture areas to meet the demands of these industries.

In response to these comments, APHIS reaffirms the requirement in § 113.113(a)(4) that there be some professional judgment to determine the need for continued use of a microorganism for production of an autogenous biologic after 15 months from the date of isolation, or 12 months from the harvest date of the first serial, whichever comes first. APHIS believes that a veterinary assessment that provides the requisite disease history, the recommendation for continued use of the autogenous biologic after 15 months from the date of isolation, and subsequent followup should be required for the preparation of an autogenous biologic.

Under a veterinarian-client-patient relationship, there is an expectation that the veterinarian assumes professional responsibility for making medical judgments regarding the health of the animals and the need for medical treatment. APHIS believes that the need for sound professional judgment concerning the prudent use of autogenous biologics under the final rule can be attained when the product is used by or under the direction of a veterinarian under a veterinarian-client-patient relationship. Thus no change in the regulations is made in response to the comments regarding the requirement for a veterinarian-client-patient relationship.

With respect to the comment concerning fish and aquaculture, APHIS recognizes that special circumstances may exist in which non-veterinarians with expertise in special areas serve as the primary health specialists. For example, fisheries pathologists certified after examination by the Fish Health Section of American Fisheries Society are recognized as experts in the field. APHIS believes that a diagnosis of a fish disease and a recommendation by these individuals will meet the intent of the regulations relating to professional judgment in the use of autogenous biologics. Therefore, § 113.113 of the regulations is revised to include such specialists.

4. Identification, Sterility, and Safety Tests, and General Requirements

If a person seeks to use a particular culture of microorganisms beyond 24 months from the date of isolation, then tests for antigenicity or immunogenicity as well as potency tests must be performed. As set forth in the repropose rule, this final rule requires, that after 15 months from the date of isolation, or 12 months from the date of harvest of the first serial of product, whichever comes first, all microorganisms must be identified at least to genus and species, or to family, in the case of viruses. Sterility and safety tests must be completed before release of the second and subsequent serials, and general requirements under § 113.100 and § 113.200 for bacteria and viruses, respectively, must be completed in order to continue to use a culture of microorganisms to produce an autogenous biologic.

The final rule also specifies that the use of microorganisms for production beyond 15 months from the date of isolation, or 12 months from the date of harvest of the first serial of product, whichever comes first, requires: (1) characterization of the microorganism(s) as to strain under § 113.113(c)(2)(iii) and (2) a veterinarian's current assessment of the continued involvement of the herd with the originally isolate microorganism(s). This assessment includes a summary of the diagnostic work that has been done to support this assessment, evidence of satisfactory protection from the use of the autogenous biologic produced from the microorganism(s) involved, and any other information the Administrator may require in order to determine the need to use the microorganism(s) to make additional serials (See § 113.113(a)(4)).

5. The length of Time That an Isolate may be Used for the Preparation of an Autogenous Biologic

Five oral and 22 written comments were received regarding the length of time an isolate can be used to prepare an autogenous biologic. These comments requested that the period of time allowed for the use of a culture of microorganisms for production of an autogenous biologic be extended from 15 to 24 months from the date of isolation. The rationale provided was that use of an autogenous biologic may be required, after 15 months from the date of isolation, for reemergence of infection, or in order to generate the "hard" production or economic data needed to justify continued use of the autogenous biologic. The commenter argued that a

24 month period in which to use a culture of microorganisms for production would also allow time to judge the effect of the autogenous biologic and determine if the results justify the expenditure to perform the antigenicity or immunogenicity and potency testing required for the production of additional serials. One commenter expressed concern about the cost of antigenicity or immunogenicity and potency testing. Another commenter argued that different organisms produce varying courses of disease, some being more difficult to eliminate and thus requiring use of the autogenous biologic beyond 15 months from the date of isolation or 12 months from the date of harvest of the first serial, whichever comes first.

Five of these commenters argued specifically for an extension of time permitted for use of a culture of microorganisms to 24 months from the date of isolation. The reasons were that a female pig is productive for two years; antigenic drift will cause emergence of disease and the need to reisolate after 18-24 months; 24 months are required to generate statistically significant data regarding the clinical effectiveness of a product; autogenous biologics are needed to replace the removal of feed grade Neomycin and all nitrofurazones for use in food animals, because there is no other effective means of control available; the requirements for identifying and type testing of new isolates alone are cost prohibitive when spread over the normal yearly volume of doses of autogenous biologics; autogenous biologics are used when licensed commercial products with established efficacy fail to give adequate protection; determination of future use of an autogenous biologic should be left to the attending veterinarian.

One other commenter said that the repropose rule was fair and workable as proposed. One year of use of a culture of microorganisms, beginning from the date of harvest of the first serial of product, allowed revaccination of the herd in the second year and time for testing to prove that the autogenous biologic was needed, without waiting for a disease outbreak to occur.

Three additional commenters supported the repropose as written.

APHIS agrees, in part, with the commenters requesting that an isolated by allowed to be used for a longer period of time. Therefore, § 113.113(c)(2)(iv) is revised to require antigenicity or immunogenicity and potency tests only when additional serials are sought to be prepared from

microorganisms that are older than 24 months from the date of isolation.

It should be noted that APHIS is removing the emergency restriction on the use of autogenous biologics, provided that data related to identification, sterility, and general requirements are submitted after 15 months from the date of isolation of the culture of microorganisms, or 12 months after the date of harvest of the first serial of product, whichever comes first. Moreover, the attending veterinarian's current assessment of the continued involvement of the herd with the originally isolated microorganisms, evidence of satisfactory protection from the previous use of the autogenous biologic, and any other information the Administrator may require are required for authorization to prepare additional serials from a culture of microorganisms older than the above stated time periods. Data concerning antigenicity or immunogenicity and potency are required to prepare additional serials from a culture of microorganisms older than 24 months from the date of isolation. APHIS believes that these are the minimum data that is required in order to justify continued use of a culture of microorganisms for the production of autogenous biologics.

6. Number of Serials that May Be Prepared Before 15 Months

Two comments expressed some confusion about the requirements for additional testing after the first serial of product. One comment requested that two serials be allowed during the 15 month period of time that a culture of microorganisms may be used for production without additional requirements for identification and testing for antigenicity or immunogenicity and potency. Another comment expressed concern about the costs of potency and efficacy studies for second serials.

In response to these comments, APHIS wishes to clarify that the repropounded rule did not restrict the number of serials of autogenous product that may be produced during the first 15 month period of time that a microorganism may be used for production. The final rule continues to require identification, completion of safety and sterility testing prior to release, and general testing after the first serial of product. In the final rule, since antigenicity or immunogenicity and potency testing need not be performed until a culture of microorganisms is older than 24 months, there should be minimum additional cost for preparation of a second serial of

product during the first 24 months from the date of isolation.

7. Four Day Test Reporting

Two commenters requested that the requirement under § 113.113(c)(1)(iv) that test results be reported within 4 days after test completion was unjustified and burdensome.

APHIS does not agree that the requirement that such test results be reported within 4 days of test completion is either unjustified or burdensome. In response to the comments, however, the regulations have been amended to clarify APHIS' intent that the requirement refers only to the results of sterility and safety test observations under § 113.113(c)(1) (See § 113.113(c)(1)(iv)). Given the possible risk to animal health, this requirement is neither unjustified nor burdensome. APHIS believes that this requirement provides a measure of safety for first serials of autogenous biologics released after only a third day observation of sterility and safety tests. Thus summaries of tests under paragraph (c)(1) must be reported to APHIS within 4 days after test completion in order to protect animal health.

8. Antigenicity or Immunogenicity and Potency Testing

Two oral and three written comments addressed the requirement in § 113.113(c)(2)(iv) for additional testing of product produced from cultures of microorganisms that are older than 15 months from the date of isolation, or 12 months from the date of harvest, whichever comes first. The commenters indicated that additional time and expense were required to generate the data required to continue to use cultures of microorganisms beyond this time period. In response to these comments, APHIS believes that it is consistent with the Act to require minimum data on antigenicity or immunogenicity and potency in order to continue to use such a culture. In order to allow additional time for evaluation of the autogenous biologic for continued use, the regulations have been amended in the final rule to allow the use of a culture of microorganisms for two years before antigenicity or immunogenicity and potency testing is required.

APHIS believes that the continued use of a culture of microorganisms after 24 months must be justified by the submission of data which demonstrates a reasonable expectation of product efficacy. The data requirements are tiered to the length of time that a culture of microorganisms is used after the date of isolation. The rationale is that with increasing time after isolation, the

chances are that the microorganism(s) causing disease(s) in the herd will change due to movement or replacement of animals, antigenic drift, or a change in the disease status of the herd. With such a change in the microorganisms(s) causing disease in the herd, the risk that an autogenous biologic will no longer provide satisfactory protection in the herd increases proportionately.

After 24 months from the date of isolation, the user has the option to obtain a new isolate if the disease status of the herd has changed; or to do antigenicity or immunogenicity and potency testing to continue use of the original microorganisms isolated.

9. Number of Antigens Used in an Autogenous Biologic

One oral comment was received regarding the number of different microorganisms that may be used in an autogenous biologic. The commenter expressed concern regarding the limit on the number of different microorganisms before interference becomes a problem.

In response to this comment, APHIS has set no limit on the number of different microorganisms that may be included in an autogenous biologic, so long as the person requesting the autogenous biologic can show some relationship between the microorganisms and the diseases in the herd. Thus, no change in the regulations is made in response to this comment.

10. Exemption for Small Serials

A comment was received requesting that small serials produced under the conditions of the repropounded rule be considered for exemption from the requirements of the rule.

APHIS does not agree with this comment. Thus no change has been made in response to this comment. Since the time period for the use of a culture of microorganisms for the production of an autogenous biologic, without testing of product for antigenicity or immunogenicity and potency, is extended from 15 to 24 months from the date of isolation in the final rule, APHIS believes that an exemption for small serials is unnecessary.

APHIS wishes to note that antigenicity testing requires a showing of a significant serological response to the autogenous biologic in animals when administered as recommended. APHIS has added a parenthetical explanation in § 113.113(c)(2)(iv)(A) to clarify when a biologic is not deemed to be antigenic.

11. Executive Order 12291 and Request for Regulatory Flexibility

One comment was received which took issue with the Agency's analysis that was prepared under Executive Order 12291, which is entitled "Federal Regulation Requirements". The commenter argued that it was contradictory to say that because the impact on the economy of complying with the rule is less than 100 million dollars, that one could conclude the rule would not have a significant effect on consumers, individuals, and various governments. The commenter further urged APHIS to be flexible in its approach to regulation.

Under the provision of the Executive Order, a rule is deemed to be not a "major rule" if the impact on the economy as a whole, is less than 100 million dollars. Because the autogenous biologics rule is deemed not a major rule, the Agency need not prepare a regulatory impact analysis under the Executive Order. The Agency must, however, still demonstrate that the provisions of the rule are reasonable and that the benefit to society outweighs the cost. For the autogenous rule, APHIS estimates that the cost of compliance to the industry as a whole will be approximately \$50,000. This assumes that there will be approximately 20 requests to produce autogenous biologics beyond 24 months after the date of isolation at a cost of approximately \$2500 per request.

APHIS believes that an industry wide cost of \$50,000 over that required by the current regulations is reasonable in terms of the benefits that will be derived from using an autogenous biologic that has been shown to be pure, safe, potent, and antigenic or immunogenic. APHIS notes that the most significant costs associated with the production of an autogenous biologic are not incurred until after a culture of microorganisms is used for 24 months. APHIS believes that it is consistent with the Act to require the submission of certain potency and efficacy data if a producer wishes to continue to produce an autogenous biologic beyond two years from the time the causative agent has been isolated. APHIS believes that allowing this two year "grace" period illustrates that the Agency is being reasonable and flexible in its regulation.

12. Exemption for Products Produced in a Veterinarian's Clinic

One comment confused the requirement under the repropoed rule of a veterinarian-client-patient relationship for autogenous biologics with the relationship under § 107.1(a)(1),

which provides an exemption from the regulations for unlicensed biological products produced by a veterinarian for use in his or her own practice. The commenter expressed concern that the repropoed rule would restrict licensed facilities from producing autogenous biologics in emergency situations, while allowing unlicensed facilities to produce such autogenous products.

The repropoed rule would permit licensed facilities to prepare autogenous biologics in both emergency and non-emergency situations. The restriction of the use of autogenous biologics to a veterinarian-client-patient relationship under the repropoed rule, would not preclude preparation of an autogenous biologic by a licensed facility. Although not covered by the repropoed rule, a veterinarian is free to choose to make autogenous biologics in his or her own clinic facility for the treatment of client's animals.

13. Circumvention of the Regulations

A final comment was received describing situations in which autogenous biologics were used to circumvent the use of a licensed non-autogenous product. The commenter remarked that no provision was made in the repropoed rule to prevent the use of an autogenous product when a licensed non-autogenous product with established efficacy exists.

APHIS does not agree with this comment. The final rule, based upon the repropoed rule, provides certain safeguards. It provides that autogenous biologics be used by or under the direction of a licensed veterinarian under a veterinarian-client-patient relationship. The rule also requires the submission of additional data, after 15 months and after 24 months from the date of isolation, in order to continue use of a culture of microorganisms for production of autogenous biologics. Moreover, use of an autogenous biologic is herd-specific, unless authorized for use in adjacent or non-adjacent herds by the Administrator, and the product is thus not widely distributed. APHIS believes that the requirements in the final rule will provide the necessary oversight to assure the proper use of autogenous biologics. Thus, no change is made to the regulations in response to this comment.

Based on the rationale set forth in the repropoed rule (August 13, 1991, 56 FR 38352) and this document, APHIS is adopting, with amendments based on the comments and minor nonsubstantive editorial changes, the repropoed rule as a final rule.

In order to reflect organizational changes within APHIS, part 112.7(k) is

also amended by removing the word "Veterinary Services" and adding the term "the Animal and Plant Health Inspection Service" in their places.

Executive Order 12291, Executive Order 12778, and Regulatory Flexibility Act

We are issuing this final rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule". Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than \$100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Currently, the regulations provide that, when authorization is obtained from the Administrator, an autogenous biologic can be used in an adjacent or non-adjacent herd, and microorganisms that are older than 12 months from the date of isolation can be used to make an additional serial of an autogenous biologic. The regulations, however, do not specify the data that are required to be submitted in support of such authorization. The final rule codifies the data that APHIS has been requiring when the Agency receives requests to use an autogenous biologic in an adjacent or non-adjacent herd. It also specifies that autogenous biologics are prepared for use by or under the direction of a veterinarian or approved specialist, and that testing is required: (1) After production of the first serial of product, (2) for use of a culture of microorganisms for production of an autogenous biologic older than 15 months from the date of isolation, or 12 months from the date of harvest of the first serial or subserial, whichever comes first, and (3) after 24 months from the date of isolation in order to continue to use the culture of microorganisms to produce product.

Thus, the effect of the final rule is to codify in the regulations the type of data that the Agency requires in support of the above referenced requests by practitioners and licensees. The data that are required to be submitted in support of such requests to use autogenous biologics in herds other than the herd of origin are data that an applicant should already have readily available. Thus, there is no additional

cost in generating such data. For continued use of an isolate beyond 24 months from the date of isolation, a firm is required to generate data and information similar to that which is currently required for veterinary biological products when one is applying for a conditional license. In response to a comment received on the repropose rule, APHIS has extended the period of time before significant testing is required from 15 to 24 months after the date of isolation of the microorganisms used to prepare autogenous biologics and attempted to tier its regulatory requirements to the needs of small businesses and consumers. Thus there should be minimum cost to the consumer using the autogenous biologic during the first two years. Based on information supplied by APHIS' Veterinary Biologics Field Operations in Ames, Iowa, the current number of requests to produce an autogenous product beyond 12 months from isolation of the microorganism have been relatively few. Only about 20 out of some 8000 autogenous products produced each year are subject to such requests.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative proceedings which must be exhausted prior to any judicial challenge to the regulations under this rule.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the information collection provisions that are included in the final rule were submitted to the Office of Management and Budget (OMB), were approved by OMB, and assigned OMB control no. 0579-0013.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials (See 7 CFR part 3015, subpart V).

List of Subjects

9 CFR Part 101

Animal biologics.

9 CFR Part 112

Animal biologics, Exports, Imports, Labeling, Packaging and containers, Reporting and recordkeeping requirements.

9 CFR Part 113

Animal biologics, Exports, Imports, Reporting and recordkeeping requirements.

Accordingly, title 9 of the Code of Federal Regulations is amended as follows:

PART 101—DEFINITIONS

1. The authority citation for part 101 continues to read as follows:

Authority: 21 U.S.C. 151-159; 7 CFR 2.17, 2.51, and 371.2(d).

2. In § 101.2, the following definitions are added in alphabetical order to read as follows:

§ 101.2 Administrative terminology

Adjacent herd. Adjacent herds are herds physically contiguous to the herd of origin; there are no herds between an adjacent herd and the herd of origin.

Herd. Any group of animals, including birds, fish, and reptiles, maintained at a common location (e.g. lot, farm or ranch) for any purpose. The herd (or flock) includes all animals subsequently housed at the common location. If the principal animals of a group are moved to a different location, the group is still considered the same herd.

Herd of origin. The herd from which the microorganism used as seed for production of an autogenous biologic is isolated. Offspring and excess breeding stock (not the principal animals) moved or sold from one group of animals to another have changed herds and are no longer considered part of the herd they originated from. Groups of animals under the same ownership but at different locations are separate herds.

Nonadjacent herd. Nonadjacent herds are all herds other than the herd of origin and other than herds adjacent to the herd of origin. Herds adjacent to the herd of origin but in a different State from the herd of origin are also considered nonadjacent herds.

PART 112—PACKAGING AND LABELING

3. The authority citation for 9 CFR part 112 continues to read as follows:

Authority: 21 U.S.C. 151-159; 7 CFR 2.17, 2.51, and 371.2(d).

§ 112.7 [Amended]

4. In § 112.7, paragraph (k), the words "Veterinary Services" are removed and the words "Animal and Plant Health Inspection Service" are added in their place; and the "Editorial Note" at the end of § 112.7 is removed.

5. In § 112.7, paragraph (1) is added to read as follows:

§ 112.7 Special additional requirements.

(1) All labels for autogenous biologics shall bear the following statement: "Potency and efficacy of autogenous biologics have not been established. This product is prepared for use only by or under the direction of a veterinarian or approved specialist."

PART 113—STANDARD REQUIREMENTS

6. The authority citation for 9 CFR part 113 continues to read as follows:

Authority: 21 U.S.C. 151-159; 7 CFR 2.17, 2.51, and 371.2(d).

7. Section 113.113 is revised to read as follows:

§ 113.113 Autogenous biologics

Autogenous biologics shall be prepared from cultures of microorganisms which have been inactivated and are nontoxic. Such products shall be prepared only for use by or under the direction of a veterinarian under a veterinarian-client-patient relationship. *Provided, That,* such products may be prepared for use under the direction of a person of appropriate expertise in specialized situations such as aquaculture, if approved by the Administrator.

Each serial of an autogenous biologic shall meet the requirements in this section, and if found unsatisfactory by any prescribed test shall not be used.

(a) *Seed requirements.* The microorganisms used as seed to prepare autogenous biologics shall be microorganisms which are isolated from sick or dead animals in the herd of origin and which there is reason to believe are the causative agent(s) of the current disease affecting such animals.

(1) More than one microorganism isolated from the same herd may be used as seed.

(2) Under normal circumstances, microorganisms from one herd shall not be used to prepare an autogenous biologic for another herd. The Administrator, however, may authorize preparation of an autogenous biologic for use in herds adjacent to the herd of

origin, when adjacent herds are considered to be at risk. The following information must be submitted to the Administrator by the establishment seeking authorization (in c/o the Deputy Director, VBFO, 223 South Walnut Avenue, Ames, Iowa 50010) to request authorization to prepare a product for use in herds adjacent to the herd of origin. (If any of the data are unavailable, the applicant for authorization should indicate that such data are unavailable and why.)

(i) Name, address, and phone number of the owner of the herd of origin.

(ii) Attending veterinarian's name, address, and phone number.

(iii) Animal species and number in herd of origin.

(iv) Identification of microorganism(s), at least to genus.

(v) Diagnosis or clinical signs of the disease observed.

(vi) Name and address of the person who isolated the microorganism(s) and the date of isolation.

(vii) Number of doses of autogenous biologic requested and vaccination schedule.

(viii) Each adjacent herd owner's name, address, and phone number.

(ix) Number of animals and species in each adjacent herd.

(x) The attending veterinarian's or approved specialist's assessment of the involvement of the adjacent herd(s) with the disease observed.

The applicant shall give notice to the State Veterinarian or other appropriate State Official in writing when an autogenous biologic is to be used in adjacent herds.

(3) The Administrator may authorize preparation of an autogenous biologic for use in herds which are not adjacent to the herd of origin, but which he or she considers to be at risk of infection with the same microorganism(s). Except as provided below, the same information which is required for preparation of such product for use in herds adjacent to the herd of origin must be submitted to the Administrator (in c/o the Deputy Director, VBFO, 223 South Walnut Avenue, Ames, Iowa 50010) for authorization to prepare a product for use in herds not adjacent to the herd of origin. Because the recipient herd involved may not be known when autogenous biologics are to be used in other geographic areas, the following data may be used in place of the data required in paragraphs (a)(2)(viii) and (a)(2)(ix) of this section.

(i) Names and addresses of practitioners in the area in place of the name, address, and phone number of the adjacent herd owner.

(ii) The geographic designations of the area involved.

(iii) A summary of the epidemiology of the disease situation that links the designated geographic areas with the herd of origin.

In addition, an applicant for authorization under this paragraph (a)(3) shall provide written approval from the State Veterinarian or other appropriate State Official in the State in which the autogenous biologic is to be used in nonadjacent herds.

(4) Under normal circumstances, microorganism(s) used for the production of autogenous biologics may not be older than 15 months from the date of isolation, or 12 months from the date of harvest of the first serial of product produced from the microorganism(s), whichever comes first. The Administrator, however, may authorize production of additional serials from microorganism(s) older than the above stated time periods, *Provided*, That, the person requesting such authorization submits the following supporting information to the address listed in paragraph (a)(3):

(i) The attending veterinarian's or approved specialist's current assessment of the continued involvement of a herd with the originally isolated microorganism(s), including a summary of the diagnostic work that has been done to support this assessment.

(ii) Evidence of satisfactory protection from the previous use of the autogenous biologic produced from the microorganisms involved.

(iii) Any other information the Administrator may require in order to determine the need to use the microorganism to make additional serials.

(b) *Restrictions.* Unless otherwise authorized by the Administrator, each serial of an autogenous biologic shall be subject to the following restrictions:

(1) Microorganisms used to prepare autogenous biologics shall not be maintained in the licensed establishment beyond the time authorized for use in production.

(2) The expiration date of the autogenous biologic shall not exceed 18 months from the date of harvest.

(c) *Testing requirements for autogenous biologics.* (1) Final container samples of completed product from the first serial or subserial of an autogenous biologic produced from an isolate shall be tested for purity as prescribed in § 113.26, and for safety as prescribed in § 113.33(b) or § 113.38 except that:

(i) When the number of final containers in a serial or subserial is 50 or less, two final container samples from

each serial and subserial shall be tested as prescribed in § 113.26(b); *Provided*, That, 1 ml aliquots from each sample may be inoculated into five corresponding individual test vessels of each of the test media required.

(ii) Serials which are satisfactory after the third day of observation of purity test cultures and of safety test animals may be released for shipment to the customer and the tests continued throughout the required period; and

(iii) Serials released on the basis of satisfactory results of third day observations shall be immediately recalled if evidence of contamination occurs in test cultures or if any of the test animals used to demonstrate product safety, sicken, or die during the observation period.

(iv) Summaries of test results shall be submitted to APHIS in accordance with § 116.7 within 4 days after the completion of required testing.

(2) Each serial or subserial of autogenous bacterial product other than the first serial or subserial produced from an isolate shall meet the applicable general requirements prescribed in § 113.100 and the special requirements prescribed in this section. Each serial or subserial of autogenous viral product other than the first serial or subserial produced from an isolate shall meet the applicable general requirements prescribed in § 113.200 and the special requirements prescribed in this section. A serial or subserial found unsatisfactory by any prescribed test shall not be released.

(i) *Purity test.* Final container samples of completed product from each serial and subserial shall be tested for viable bacteria and fungi as provided in § 113.26. When the number of final containers in a serial or subserial is 50 or less, two final container samples from each serial and subserial shall be tested as prescribed in § 113.26(b); *Provided*, That, 1 ml aliquots from each sample may be inoculated into five corresponding individual test vessels of each of the test media required.

(ii) *Safety test.* Bulk of final container samples of completed product from each serial shall be tested for safety as provided in § 113.33 (b) or § 113.38.

(iii) *Identification.* All microorganisms used for the production of autogenous biologics shall be identified as follows:

Bacteria, fungi, and mycoplasma shall be identified at least to genus and species. Viruses shall be identified at least to family. After 15 months from the date of isolation, or 12 months from the harvest date of the first serial of autogenous product produced from a

microorganism, whichever comes first, characterization and identification shall be completed to strain and/or serotype before such microorganism may be used for production.

(iv) *Antigenicity, or immunogenicity, and potency.* Persons seeking authorization to prepare additional serials of autogenous biologics from microorganisms that are older than 24 months from the date of isolation, shall be required to conduct the following additional tests:

(A) Completed product shall be tested for antigenicity or immunogenicity in the species for which the product is recommended or in another animal species whose immunological response has been shown in the scientific literature to correlate with the response of the species for which the product is recommended. Such tests shall be conducted in accordance with a protocol developed by the licensee and approved by the Administrator and the results submitted to the Deputy Director, Veterinary Biologics, BBEP, APHIS, 6505 Belcrest Road, Hyattsville, MD 20782 for review. Microorganisms not shown to be antigenic (that is, not shown to induce a significant serological response) or immunogenic by such approved tests shall not be used for the preparation of such product.

(B) Bulk of final container samples of completed product from each serial of such autogenous biologics containing fractions for which standard requirement potency test procedures have been established shall be tested for potency in accordance with applicable standard requirement potency tests provided in 9 CFR part 113. If the culture of microorganisms used to produce such fractions is shown to be of a different strain or serotype than the reagent or challenge microorganisms used in the standard requirement potency test, reagents or challenges of the same strain or serotype as the microorganism used for production may be used.

(C) If no standard requirement potency test procedures have been established for a fraction(s) in the autogenous biologic, such fraction(s) of each serial of product shall be tested for potency using a developmental potency test described in the filed outline of production or shall at least be standardized to contain an antigenic mass for such fraction(s) that has been shown to be antigenic or immunogenic in accordance with paragraph (c)(2)(iv)(A) of this section.

Done in Washington, DC, this 24th day of August 1992.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92-20617 Filed 8-26-92; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 102

[Docket No. 88-187-2]

Viruses, Serums and Toxins and Analogous Products; Restrictions on Distribution and Use

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations pertaining to restrictions which may be imposed by States on the distribution and use of veterinary biological products. It also provides a procedure whereby any person may request that Federal restrictions be imposed on such products. The purpose of the final rule is to clarify the regulations with respect to State restrictions on the use and distribution of veterinary biological products, and to specify how a person can request that Federal restrictions be imposed on such products.

EFFECTIVE DATE: This rule is effective September 28, 1992.

FOR FURTHER INFORMATION CONTACT: Dr. David A. Espeseth, Deputy Director, Veterinary Biologics, BBEP, APHIS, USDA, room 838, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, telephone number (301) 436-8245.

SUPPLEMENTARY INFORMATION:

Background

A proposed rule was published on October 19, 1990 (55 FR 42392, Docket No. 88-187), to clarify APHIS' position that restrictions on the distribution and use of Federally licensed veterinary biological products may be imposed by a State or other jurisdiction when such restrictions are based on local disease conditions. Moreover, the proposed rule provided a procedure whereby any person, including a State or other jurisdiction, may request that Federal restrictions be imposed on such products. A 60-day comment period, which ended December 18, 1990, was provided for in that proposal.

The Animal and Plant Health Inspection Service (APHIS) received seventeen comments regarding the proposed rule. Comments were received from State animal health authorities, trade associations, a professional

association, veterinary hospitals, universities, a biologics manufacturer, and a biologics consultant. APHIS has carefully considered all comments concerning the proposed rule.

Based on the rationale set forth in the proposed rule and this document, APHIS is adopting the provisions of the proposed rule with two minor changes as discussed below for the purposes of clarity.

Fourteen comments were generally in favor of the rule as proposed. Two comments took exception to the rule. One comment indicated that the proposed rule should be strengthened to require States to seek APHIS approval prior to imposing restrictions on distribution and use of veterinary biologics. The comments are discussed in greater detail below.

Twelve comments agreed that, based on local disease conditions, States should have the authority to impose restrictions on the distribution and use of veterinary biological products.

Nine of these comments indicated that because vaccines used in disease control programs require careful tracking, vaccines in these categories should be administered by or under the direction of a veterinarian. APHIS has the authority to require label statements that certain biological products be used under the supervision of veterinarians and has imposed such requirements (see 9 CFR 102.5(e)).

Several commenters requested that the wording in 9 CFR 102.5(e) which currently reads in relevant part " * * * the biological product is restricted to use by veterinarians, or under the supervision of veterinarians, or both" be changed to " * * * by or under the direction of a veterinarian" (emphasis added). The commenter argued that the change would be consistent with the language used under labeling requirements in accordance with 9 CFR 112.2(d)(1).

This comment is beyond the scope of this rulemaking and therefore will not be considered in this docket. However, the agency will consider whether it is appropriate to make the suggested changes in future rulemaking.

Several commenters also requested that the language in 9 CFR 102.5 (e) and (f) be amended to read that restrictions be based on "the protection of animal or human health and safety," rather than the language currently used: "the protection of domestic animals or the public health, interest, or safety, or both". The commenters stated that "use of the term 'interest' is vague and unacceptable."

The regulation will not be amended based on these comments because the purpose of the Act is to assure that biologics used in the treatment of animals are pure, safe, potent, and efficacious. The public benefits as a result of the successful protection of animals from various diseases, including those which are of great public concern such as rabies. Since safe and effective vaccines and other biologics are in the public interest, APHIS has used this term in the regulations.

Seven commenters indicated that States should have the authority to add to Federal restrictions, as appropriate, based on a need to protect animal or human health and safety so long as such restrictions do not lessen the effect of Federal regulations. APHIS agrees with the comment that States should not be allowed to lessen the effect of Federal restrictions on the distribution and use of veterinary biological products. APHIS, however, does not agree that States should be allowed to add various restrictions, as appropriate, based upon a need to protect domestic animals or the public health, interest, or safety. Any restrictions, other than those which are necessary to address a local disease condition, should be Federally imposed so that they are uniform nationwide.

The legislative history relating to the 1985 amendments to the Act, which extends USDA's authority over veterinary biologics, clearly expresses Congressional intent that Federal regulation of veterinary biologics is needed to prevent and eliminate burdens on commerce and that there is a need for uniform national standards regarding these products. Therefore, States are not free to impose requirements which are different from, or in addition to, those imposed by USDA regarding the safety, efficacy, potency, or purity of a product. Similarly, labeling requirements which are different from or in addition to those in the regulations under the Act may not be imposed by the States. Such additional or different requirements would thwart the Congressional intent regarding uniform national standards, and would usurp USDA's authority to determine which biologics are pure, safe, potent, and efficacious. However, it has been APHIS' consistent position that individual States may impose certain restrictions on the distribution and use of biological products licensed by USDA based on local disease conditions when such restrictions are made on a product-by-product basis. For

example, a State is permitted to restrict distribution of a biological product where a particular disease does not exist in the State and where use of the biological product would make it difficult to distinguish between exposed and vaccinated animals.

Likewise, a State is permitted to restrict use of a product to licensed veterinarians when a disease exists in the State and the State has an active eradication program. In this case, such a restriction may be necessary to ensure the effectiveness of the eradication program.

Other commenters asked that only States and not other jurisdictions should be allowed to impose the restrictions in § 102.5(d)(2), and that the restrictions be imposed on a case-by-case basis. The term "other jurisdiction" must remain in the regulations because the term "States" does not include places under Federal jurisdiction. Insofar as other localities are concerned, it is APHIS' position that any restrictions based on local disease conditions within a State should be imposed by or in conjunction with State authorities in order to prevent a proliferation of conflicting restrictions.

Two commenters disagreed that any person should be able to request that Federal restrictions be imposed on biologics. The commenters were concerned that such a provision in the rules might encourage individuals to attempt to restrict unnecessarily the use and availability of veterinary biological products. With respect to the provision in the final rule which allows any person to request APHIS to impose a Federal restriction on biologics, we do not believe that such requests should be limited to State agencies. The commenters' concern is unwarranted because APHIS would be making the decision regarding such requests, and unnecessary restrictions would not be imposed on products.

Two minor changes are made to § 102.5(d)(2) for clarity. The term "Deputy Administrator" is changed to "Administrator" to be consistent with APHIS administrative policy and the term "shall" is changed to "may".

Executive Order 12291, Executive Order 12778, and Regulatory Flexibility Act

We are issuing this final rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, it has been determined that this final rule will have an effect on the economy of less than

\$100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, and will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. This rule does not preempt any State or local laws, regulations, or policies, where they are necessary to address local disease conditions or eradication programs. However, where safety, efficacy, purity, and potency of biological products are concerned, it is the agency's intent to occupy the field. This includes but is not limited to the regulation of labeling. Under the Act, Congress clearly intended that there be national uniformity in the regulation of these products. There are no administrative proceedings which must be exhausted prior to any judicial challenge to the regulations under this rule. Under certain circumstances, States may restrict the distribution and use, within their own borders, of veterinary biological products licensed by APHIS. The current regulation, however, has caused some confusion regarding the extent of such restrictions. The final rule clarifies the regulation. It also provides a procedure whereby any person can request that Federal restrictions be imposed on a veterinary biologic.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the information collection provisions that are included in the final rule have been approved by the Office of Management and Budget (OMB) and have been assigned OMB control No. 0579-0013.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with

State and local officials. (See 7 CFR part 3015, subpart V).

List of Subjects in 9 CFR Part 102

Animal biologics.

Accordingly, title 9 of the Code of Federal Regulations is amended as follows:

PART 102—LICENSES FOR BIOLOGICAL PRODUCTS

1. The authority citation for 9 CFR part 102 continues to read as follows:

Authority: 21 U.S.C. 151-159; 7 CFR 2.17, 2.51, and 371.2(d).

§ 102.5 [Amended]

2. In § 102.5, paragraph (d)(2) is revised and paragraph (f) is added to read as follows:

§ 102.5 U.S. Veterinary Biological Product License.

* * * * *

(d) * * *

(2) In addition to restrictions imposed by the Administrator pursuant to paragraph (e) of this section, biological products may be subject to restrictions which are imposed by any State or other jurisdiction pertaining to the distribution and use of such products, based on local disease conditions.

* * * * *

(f) Any person may request that the distribution and use of a veterinary biological product be restricted if the restriction pertains to the protection of domestic animals or the public health, interest, or safety, or both. All requests must be sent, in writing, to the Director, Biotechnology, Biologics and Environmental Protection, USDA, APHIS, c/o Deputy Director, Veterinary Biologics, room 838, Federal Building, 6505 Belcrest Road, Hyattsville MD 20782. Requests must specify the restriction(s) being requested and must explain why the restrictions are needed. Copies of any supporting documents, such as scientific literature, published or unpublished articles, or data from tests, should be attached to the request. When a decision is reached regarding the request, the person submitting the request will be sent written notification of such decision.

Done in Washington, DC, this 24th day of August 1992.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92-20618 Filed 8-26-92; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92-CE-09-AD; Amendment 39-8366; AD 92-19-08]

Airworthiness Directives; Fairchild Aircraft (Formerly Swearingen Aviation Corporation) SA226 and SA227 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes Airworthiness Directive (AD) 81-02-01, which currently requires repetitive inspections of the rudder pedal links at the attachment bolts for elongated holes on certain Fairchild SA226 series airplanes, replacement of links where elongated holes are found, and replacement of the rudder pedal link attachment bolts and bushings. The Federal Aviation Administration (FAA) has determined that certain SA227 series airplanes should be affected by the actions currently required by AD 81-02-01. This AD will retain these actions but extend the applicability to include the SA227 series airplanes. The actions specified by this AD are intended to prevent failure of the rudder cable to rudder pedal link attachments, which could result in loss of control of the airplane.

DATES: Effective October 16, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 16, 1992.

ADDRESSES: Service information that is applicable to this AD may be obtained from Fairchild Aircraft, P.O. Box 790490, San Antonio, Texas 78279-0490; Telephone (512) 824-9421. This information may also be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Bob D. May, Aerospace Engineer, Airplane Certification Office, FAA, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas 76193-0150; Telephone (817) 624-5156.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD that is applicable to certain Fairchild Aircraft SA226 and SA227 series

airplanes was published in the Federal Register on April 29, 1992 (57 FR 18119). The action proposed to supersede AD 81-02-01, Amendment 39-4009 (46 FR 867, January 5, 1981), with a new AD that would (1) retain the inspection and modification of the rudder cable to rudder pedal link attachments, which is required by AD 81-02-01 on Fairchild SA226 series airplanes; and (2) extend the effectivity of that AD to certain Fairchild SA227 series airplanes. The proposed actions would be accomplished in accordance with the instructions in either Swearingen Aviation Corporation Service Bulletin (SB) 27-027, issued: July 17, 1980; or Fairchild SB 27-09, issued: June 6, 1991, whichever is applicable.

Interested persons have been afforded an opportunity to participate in the making of this amendment. One comment was received in favor of the proposed rule. No comments were received on the FAA's determination of the cost to the public. After careful review, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD nor add any additional burden upon the public than was already proposed.

The FAA estimates that 310 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 2 workhours per airplane to accomplish the required action, and that the average labor rate is approximately \$55 an hour. Parts cost approximately \$25 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$42,260. Since AD 81-02-01 required the same actions as this AD on 236 airplanes, this action only poses an additional cost impact on the operators of 74 airplanes. Therefore, the cost impact of this AD is only \$9,990 over that currently required by AD 81-02-01.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT

Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES".

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing AD 81-02-01, Amendment 39-4009 (46 FR 867, January 5, 1981), and by adding the following new airworthiness directive:

92-19-08 Fairchild Aircraft (formerly Swearingen Aviation Corporation): Amendment 39-8366; Docket No. 92-CE-09-AD. Supersedes AD 81-02-01, Amendment 39-4009.

Applicability: The following model and serial numbered airplanes, certificated in any category:

| Model | Serial No. |
|------------|---|
| SA226-T | All serial numbers. |
| SA226-T(B) | All serial numbers. |
| SA226-AT | All serial numbers. |
| SA226-TC | All serial numbers. |
| SA227-TT | TT421 through TT444. |
| SA227-AT | AT423 through AT440. |
| SA227-AC | AC406, AC415, AC416, and AC420 through AC448. |

Note 1: The only SA227 series airplanes affected by this AD are those manufactured before the production change that incorporated rudder pedal links with bushings that more efficiently prevent wear. Compliance: Required upon the accumulation of 5,000 hours time-in-service (TIS) or within the next 50 hours TIS after the effective date of this AD, whichever occurs later, unless already accomplished within the last 5,000 hours TIS (supersedes AD 81-02-01, Amendment 39-4009), and thereafter at intervals not to exceed 5,000 hours TIS.

To prevent failure of the rudder cable to rudder pedal link attachments, which could result in loss of control of the airplane, accomplish the following:

(a) Remove and discard the rudder cable to rudder pedal link attachment bolts and bushings, and prior to further flight, accomplish the following in accordance with the instructions in either Swearingen Aviation Corporation Service Bulletin (SB) 27-027, issued: July 17, 1980; or Fairchild SB 27-09, issued: June 6, 1991, whichever is applicable, and the applicable maintenance manual:

(1) Inspect the rudder pedal links, part number 26-72016, for elongated holes.

(2) Replace any rudder pedal links that have elongated holes.

(3) Install new rudder pedal link attachment bolts and bushings.

(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(c) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Airplane Certification Office, FAA, 4400 Blue Mound Road, Fort Worth, Texas 76193-0150. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Fort Worth Airplane Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Fort Worth Airplane Certification Office.

(d) The inspections and modifications required by this AD shall be done in accordance with either Swearingen Aviation Corporation Service Bulletin 27-027, issued: July 17, 1980; or Fairchild Service Bulletin 27-09, issued: June 6, 1991, whichever is applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Fairchild Aircraft, P.O. Box 790490, San Antonio, Texas 78279-0490. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment (39-8366) supersedes AD 81-02-01, Amendment 39-4009.

(f) This amendment (39-8366) becomes effective on October 16, 1992.

Issued in Kansas City, Missouri, on August 20, 1992.

Barry D. Clements,
Manager, Small Airplane Directorate,
Airplane Certification Service.

[FR Doc. 92-20525 Filed 8-26-92; 8:45 am]

BILLING CODE 4910-13-M

Office of the Secretary

14 CFR Parts 201, 202, 204, 291, and 302

[Docket No. 47582]

RIN 2105-AB82

Procedures and Evidence Rules for Air Carrier Authority Applications

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Final rule.

SUMMARY: The Department is revising certain regulatory provisions to consolidate and make more consistent the fitness data requirements and filing procedures for all carriers (certificated, all-cargo, and commuter). This will update requirements to reflect our existing needs as they have evolved over the past few years, provide better guidance for carriers, expedite the processing of fitness applications, and make administrative changes to update organizational references.

EFFECTIVE DATE: The rule shall become effective on September 28, 1992.

FOR FURTHER INFORMATION CONTACT: Carol A. Woods, Air Carrier Fitness Division, P-56, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-9721.

SUPPLEMENTARY INFORMATION:

Background

On June 7, 1991, the Department of Transportation issued a notice of proposed rulemaking (NPRM) (56 FR 27696, June 17, 1991) to revise 14 CFR parts 201, 202, 204, 291, and 302 so as to: (a) Eliminate obsolete references to the Civil Aeronautics Board, its organizational units and forms, and substitute applicable references to the Department, its organizational units and forms; (b) eliminate requirements for applicants to submit evidence that is no longer necessary for fitness determinations; (c) include section 418 domestic all-cargo carriers among those subject to part 204 evidentiary requirements and dormancy provisions and part 201 and part 302 subpart Q procedural regulations; (d) revise and consolidate the procedural and evidentiary requirements applicable to filings for new commuter, domestic all-cargo, and section 401 certificate authority; (e) clarify the meaning of "substantial change"; (f) conform and consolidate the list of evidentiary requirements in support of continuing fitness with the list of evidentiary requirements for initial fitness applications; (g) extend the filing

exception for carriers proposing a nonsubstantial change to those proposing only minor changes in key personnel, operations or ownership; (h) make all applicants proposing commencement of operations subject to the same evidentiary requirements of part 204 that are applicable to carriers filing for new authority; and (i) eliminate the language distinguishing between carriers found fit before and after the dormancy rule amendment was adopted.

Two comments were received, one from Mr. David J. Aronofsky, an attorney with the Washington, DC law firm of Arent Fox Kintner Plotkin & Kahn, and the other from the Air Line Pilots Association (ALPA). Mr. Aronofsky supported the changes proposed in the NPRM, but stated that the Department did not go far enough in the areas of substantial change and continuing fitness. ALPA also supported the revisions in fitness evidence and application procedures proposed in the NPRM, but questioned certain specific changes. These comments are discussed in more detail below.

Discussion of Comments

In the NPRM, the Department proposed to add in new § 204.2(n) more examples of events that would constitute substantial changes that must be reported by carriers under new § 204.5 so that we could assess whether these changes warranted a fitness reevaluation. One of the events to be reported was a filing for protection under chapter 11 of the U.S. Bankruptcy Code or a filing of a plan of reorganization under those laws. We also stated in the preamble to the NPRM that carriers are not prohibited from implementing substantial changes pending our review; *i.e.*, prior Department approval of the change is not required.

Mr. Aronofsky urges the Department to begin examining the continuing financial fitness of air carriers at an earlier stage, *i.e.*, before financial problems have progressed to the point that a Chapter 11 filing has become necessary. Toward that end, he recommends that carriers be required to report as substantial changes events that could lead eventually to a loss of financial fitness, such as significant increases in debt, material financial losses, and dispositions of major assets. Furthermore, so that the Department can have an opportunity to assess the possible impact of such changes on the carrier's fitness, Mr. Aronofsky advocates that the Department should require carriers to report major financial changes immediately upon occurrence

and, if possible, well in advance of making the changes.

We did not through our proposal intend to convey the impression that the Department has been doing nothing to reevaluate a carrier's fitness until the carrier itself reported a substantial change. Over the past years of assessing air carrier fitness, the Department's staff has developed many sources of information on air carrier activities. These sources include FAA and other government officials, aviation trade and other press accounts, reports from passengers and individuals in the industry, financial reporting services, carrier traffic and financial reports filed with the Department, and more. When we receive reports that a carrier is having serious financial or other difficulties, we initiate an informal continuing fitness review and request the carrier to supply information. In fact, more than 90 percent of the continuing fitness reviews conducted by the Department are undertaken on our own initiative.

The Department generally does not wish to interfere in the business decisions of airline managers, nor do we intend our regulatory oversight to divert them from their managerial responsibilities while they wonder whether they should report a particular financial event, and at what level of detail. Thus, we have attempted to keep changes that must be reported by carriers to a minimum number that are truly substantial changes, while relying on other sources to provide an early warning of potential fitness problems. As described above, this system has proven effective. We also note that both current § 204.4 and new § 204.5 specifically state that updated fitness information is to be supplied by carriers proposing a substantial change. While carriers making substantial changes are not required to obtain prior approval from the Department, carriers should bear in mind that if the Department's fitness reevaluation finds that the carrier can no longer be considered fit as a result of a substantial change, the Department has the authority under section 401(r) of the Act to suspend, modify, or revoke the carrier's authority for lack of continuing fitness. Such a possibility provides an incentive to carriers to advise the Department in advance of implementing substantial changes.

Mr. Aronofsky also counsels the Department to develop a definition of continuing fitness, applicable uniformly to all sizes of carriers. He believes that such fitness "guidelines" could be useful to interested parties, such as the

traveling public and the airline industry, in assessing whether a carrier's particular financial difficulties render it no longer financially fit.

The idea of having specific standards to measure air carrier fitness or assure continuing fitness is not a new one. Some believe it would be desirable for the Department to devise a formula based on a set of financial ratios which could be used to determine financial fitness. Our experience has been, however, that such a simplistic approach could cause us to find some carriers unfit when they do continue to have access to sufficient resources to operate safely and reliably and are, in fact, doing so. We have found that some carriers with weak balance sheets have access to substantial funds through their ability to rely on financially healthy parent corporations or individual owners, through the financial market's recognition of substantial off-balance-sheet assets, or through its recognition of a company's future profit potential. Thus, because a variety of factors must be considered in determining whether a carrier remains fit, the use of standard continuing fitness criteria is precluded.

ALPA questioned whether we intended to eliminate the requirement in § 204.5(t)(3) that a carrier file a forecast income statement whenever it added aircraft to its fleet. We do not normally consider the addition of aircraft to an operating carrier's fleet to be a substantial change in operations, except in the case of a certificated carrier going from small-aircraft to large-aircraft, or from cargo to passenger operations. There are certain cases, however, usually involving very small companies, where the addition of aircraft could represent a very substantial change. In such cases, we specifically state in the order making the fitness determination that our findings are based on a particular set of operational circumstances and that we would consider an increase in the number of aircraft operated of, for example, more than 100 percent, to be a substantial change calling for a notification to be filed with the Department. Upon receipt of such a notice, we would inform the carrier what additional information, perhaps including a forecast income statement, will be required. Otherwise, we believe that the business decisions of a carrier's managers with regard to adding aircraft ordinarily do not need to be monitored by the Department, and that it would be placing an unnecessary burden on carriers to require them to furnish a forecast income statement each time they add aircraft.

ALPA also noted that in new § 204.3(t)(2), we omitted the requirement contained in current § 204.5(t)(3) that applicants must include in their forecast income statements an estimate of revenue miles by type of aircraft. The omission of this measure, which is needed to calculate forecast revenue passenger miles and load factor, was an oversight and we are restoring this requirement to the rule in new § 204.3(t)(2).

ALPA questioned whether we intended to include in the new rule a request for applicants to provide pre-operating balance sheets as evidence of their financial position before the proposed operations are undertaken. In the past, we asked applicants to furnish pre-operating balance sheets as evidence that they had sufficient funds to start or resume their proposed operations. We have discontinued that practice, and we did not include a request for this evidence in the revised rule for two reasons: First, because pre-operating balance sheets do not provide the verified evidence of funding that we require; and second, a pre-operating balance sheet presented at the time an application is filed is often considerably obsolete after the months-long fitness and FAA certification processes have been completed and the applicant is finally ready to begin flying operations.

Presently, in our order finalizing the fitness determination of an applicant for new authority or for one whose authority has been dormant for an extended period, we state that the award of effective authority to the applicant is conditioned upon our having received independent verification that the company has available to it the required funds to cover the start-up of operations. We have found such third-party verification to represent more accurately the current state of the company's finances than documents prepared by the applicant at the time of its initial filing. In addition, operating carriers that are undergoing fitness redeterminations because substantial changes have been made, or that are seeking additional authority, are subject to the requirements of new § 204.3(j)(2) to furnish balance sheets and income statements current to within three months of the date of filing. A balance sheet submitted under such circumstances would serve the purpose of a pre-operating balance sheet.

ALPA disagreed with the Department's proposal to eliminate the requirement currently contained in § 291.11(c)(2) that applicants for domestic all-cargo authority must furnish a cash-flow statement; rather,

ALPA recommends that this requirement be extended to applicants for section 401 and commuter authority.

We agree with ALPA that cash flow statements contain useful information on the sources and uses of cash and the timing of cash movements to meet certain obligations. We have found cash flow statements to be useful in certain cases, such as those involving acquisitions and mergers, and on those occasions we will rely on the authority contained in new § 204.3 to request that cash flow statements or any other data be provided. However, in the majority of fitness cases, we have found that the evidence provided by cash flow statements generally is not as meaningful as that found in forecast income statements in calculating an applicant's ability to cover its operating costs on an on-going basis, and we do not wish to burden applicants with this obligation unnecessarily.

ALPA commented on our omission in new § 204.2(n)(1) of an example of a substantial change contained in current § 204.2(m)—a large increase in the number of markets served by a carrier. As in the case discussed above of a carrier adding aircraft to its fleet, we do not ordinarily consider a carrier's decision to move into additional markets to represent a substantial change in operations. Some cases, of course, require closer inspection, such as when the new markets are geographically distant from the carrier's present operational area and perhaps necessitate the acquisition of new or large aircraft. In most circumstances, however, we believe that, as long as their actions do not place in jeopardy public safety or funds, carriers should be free to operate and grow.

ALPA recommended that the Department reconsider its proposal to raise the threshold of "substantial interest" from 5 percent, as contained in current § 204.2(n), to 10 percent, as proposed in new § 204.2(o). ALPA asserted the 5 percent figure is consistent with SEC requirements mandating the filing of certain documents when an individual has acquired at least 5 percent of a corporation's voting stock. ALPA further maintained that control of an air carrier, especially one whose stock is widely held, can be exercised with less than 10 percent ownership. In addition, whether the Department declares that a substantial interest is characterized by ownership of 5 percent or 10 percent of a company's voting stock, ALPA believed that we should incorporate the same threshold in the definition of "relevant corporation" in new § 204.2(m)(2).

We appreciate ALPA's argument that the SEC appears to view a 5 percent ownership interest as significant since that agency requires that certain reports be filed by individuals who become holders of 5 percent of the stock of publicly held companies. Of course, the Department's objectives differ from those of the SEC. The great majority of the carriers whose fitness the Department monitors are not large or publicly held. We are principally concerned about the effects on a carrier's fitness and U.S. citizenship stemming from the influence of those holding a substantial interest in the company and those that can be considered relevant corporations. However, stock ownership by itself may not equate with influence or control. We thus find that requiring carriers to report ownership interests amounting to less than 10 percent would be overly burdensome without providing a concomitant benefit for the Department's fitness purposes.

New § 204.2(n)(4) provides, in part, that if the individuals holding certain key management positions were to change, the carrier would be required to file a notice of substantial change in management. ALPA noted that certain of these key managers, i.e., Chief Executive Officer and Chief Operating Officer, were not found among the examples of "key personnel" in new § 204.2(k) and recommended that they be added to that list. We agree that these two positions should be considered key personnel and accordingly are including them in § 204.2(k).

In addition, ALPA recommended that we also include partners and trustees among key personnel (ALPA noted that current § 291.11(a)(4) includes such individuals among those having the power to influence an applicant for domestic all-cargo authority). We consider "partners" to be "owners," that is, persons having a substantial interest in the applicant, and not key personnel. Information on persons having a substantial interest in the applicant is required in new § 204.3(g), and information on substantial changes in ownership is required in new § 204.5. When a carrier is being managed by a trustee because of a bankruptcy proceeding or because we had required that an owner's stock be placed in a non-voting trust, we direct the carrier to notify the Department of any change in trustee. Because it is a rather unusual occurrence for a carrier to be operating under a trusteeship, and since such situations are monitored individually, we consider it unnecessary to include

the position of trustee among the ordinary key personnel that a carrier might be expected to have.

Finally, ALPA recommended that we require that the certification as to the truthfulness and accuracy of the applicant's submissions (§ 204.3(v)) be signed by an officer or owner of the applicant rather than by an attorney employed to prepare the filing, since an outside preparer is already bound by § 302.4(b), which provides that the signature of such a person constitutes a certification that he or she has read the document and that the information therein is true and not misleading to the best of his or her knowledge. More important, ALPA pointed out, the preparer is relying on the assertions made by the applicant, which, unknown to the preparer, may be incorrect; thus, it is more appropriate that an officer or owner of the applicant attest to the accuracy of the submissions.

We agree that the veracity of the statements made in a filing are the representations, and thus the responsibility, of the applicant. Thus, it is appropriate that a high-level representative of the applicant, that is, an owner, senior officer or internal counsel, attest to the accuracy of the submissions. Therefore, we will modify the certification to indicate that the attestation is being made by such a person.

Conclusion

After carefully weighing the comments provided in response to the Notice of Proposed Rulemaking, and for the reasons discussed above, we have decided to adopt the revisions as set forth in the NPRM, with the following additional changes to the revised version:

1. The authority citation for part 201 is amended to add a reference to 5 U.S.C. 1008.

2. At the end of the sections setting forth filing or recordkeeping requirements (§§ 201.1, 201.4, 204.3, 204.4, 204.5, 204.7, and 291.10), the OMB control number 2106-0023 is being added.

3. The parenthetical phrase in § 201.5(b) is amended as follows:
* * * (but before all authority issued by DOT, including the FAA, becomes effective) * * *

4. § 204.2(n)(2) is amended as follows:
(2) the filing of a petition for reorganization or a plan of reorganization under Chapter 11 of the federal bankruptcy laws;

5. § 204.2(k) is amended as follows:
(k) Key personnel shall include the directors, president, chief executive

officer, chief operating officer, all vice presidents, * * *

6. § 204.2(m)(2) is amended by adding the words "for example" before the words "by 25 percent representation".

7. In § 204.3, the introductory text is revised as follows:

An applicant for a type of certificate authority it does not currently hold or for commuter air carrier authority shall file the data set forth in paragraphs (a) through (v) of this section. In addition, the Department may require an applicant to provide additional data if necessary to reach an informed judgment about its fitness. If the applicant has previously formally filed any of the required data with the Department or with another Federal agency and they are available to the Department, and those data continue to reflect the current state of the carrier's fitness, the applicant may instead identify the data and provide a citation for the date(s) and place(s) of filing. Prior to filing any data, the applicant may contact the Air Carrier Fitness Division to ascertain what data required by this section are already available to the Department and need not be included in the filing.

Note: If the applicant intends to use as evidence data it has previously filed pursuant to part 241 reporting requirements and those data contain errors, the applicant must first file corrected reports in accordance with § 241.22(g).

8. § 204.3(k)(5) is amended by replacing the semicolon at the end of the section with a period.

9. The second sentence of § 204.3(t)(2) is amended as follows:

* * * Such Income Statement shall include estimated revenue block hours (or airborne hours, for charter operators) and revenue miles by type of aircraft, number of passengers and * * *

10. The first sentence of § 204.3(v) is amended as follows:

Pursuant to title 18 United States Code 1001, I [the individual signing the application, who shall be a principal owner, senior officer, or internal counsel of the applicant], in my individual capacity and as the authorized representative of the applicant, * * *

11. In § 204.4, the last sentence of the introductory text is amended by replacing the word "Department" with the words "Air Carrier Fitness Division".

12. § 204.5(a)(1) is amended by replacing the word "and" with the word "or".

13. The fourth sentence in § 204.7(b) is amended as follows: * * * the carrier shall file a sworn statement * * *

14. The authority citation for part 291 is being revised as follows:

Authority: 49 U.S.C. 1301, 1302, 1324, 1371, 1377, 1378, 1386, 1388, unless otherwise noted.

15. § 291.42(a)(2) is being amended by adding the words "Office of Airline Statistics" after the words "Room 4125".

16. The authority citation for part 302 is being revised as follows:

Authority: 5 U.S.C. 551 *et seq.*, 39 U.S.C. 5402; 42 U.S.C. 4321, 49 U.S.C. Subtitle I, 1301, 1302, 1324, 1371, 1372, 1373, 1374, 1376, 1382, 1471, 1481, 1482, 1485; Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989.

Executive Order 12291, Federalism Assessment, Regulatory Flexibility Act Analysis and Paperwork Reduction Act of 1980

This action has been reviewed under Executive Order 12291 and it has been determined that this is not a major rule. It will not result in an annual effect on the economy of \$100 million or more. There will be no increase in production costs or prices for consumers, individual industries, Federal, State or local governments, agencies or geographic regions. Furthermore, this rule will not adversely affect competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, a preliminary regulatory impact analysis is not required. The regulation amendments are not significant under the Department's Regulatory Policies and Procedures, dated February 26, 1979, because they do not involve important Departmental policies.

The projected economic and regulatory impact of these amendments was discussed in the Regulatory Evaluation, which was placed in the public docket at the time of publication of the NPRM. No comments have been received concerning matters covered in that evaluation, and none of the changes being made in the rule as a result of comments received on the NPRM affect the findings and conclusions reached in that evaluation. Therefore, since there have been no changes in the economic or regulatory impact of this rule, no revisions to the Evaluation are necessary. A copy of that evaluation may be obtained by contacting the person identified above under the caption "For Further Information Contact."

The Department has considered the implications of this rulemaking under the requirements of Executive Order 12612, Federalism, and has determined that the preparation of a Federalism

Assessment is not warranted. The regulations herein will not have substantial direct effects on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibility among the various levels of government.

For purposes of its aviation economic regulations, Departmental policy categorizes air carriers operating small aircraft (60 seats or less or 18,000 pounds maximum payload or less) in strictly domestic service as small entities for purposes of the Regulatory Flexibility Act. I certify that this rule will not have a significant economic impact on a substantial number of small entities. The ability of such entities to engage in air carrier operations essentially will be unaffected by the proposed regulation amendments.

The reporting and recordkeeping requirements associated with this rule were approved by the Office of Management and Budget on August 27, 1991, for use through June 30, 1993, under OMB Control No. 2106-0023.

List of Subjects

14 CFR Parts 201, 202 and 204

Air carriers, Reporting and recordkeeping requirements.

14 CFR Part 291

Administrative practice and procedure, Air carriers, Reporting and recordkeeping requirements.

14 CFR Part 302

Administrative practice and procedure, Air carriers.

Final Rule

For the reasons set out in the preamble, title 14, chapter II of the Code of Federal Regulations is amended as follows:

1. Part 201 is revised to read as follows:

PART 201—AIR CARRIER AUTHORITY UNDER TITLE IV OF THE FEDERAL AVIATION ACT

Subpart Application Procedures

Sec.

201.1 Formal requirements.

201.2 Amendments.

201.3 Incorporation by reference.

201.4 General provisions concerning contents.

201.5 Advertising and sales by applicants.

Subpart B—Certificate Terms, Conditions, and Limitations

201.6 Applicability.

201.7 General certificate conditions.

Authority: 5 U.S.C. 1008, 49 U.S.C. 1324, 1371, 1372, 1373, 1377, 1381, 1386, 1389.

Subpart A—Application Procedures

§ 201.1 Formal requirements.

(a) Applications for certificates of public convenience and necessity under section 401 of the Federal Aviation Act and for domestic all-cargo air service certificates under section 418 of the Act, or amendments thereof, shall meet the requirements set forth in part 302 of this chapter as to general requirements, execution, number of copies, service, and formal specifications of papers.

(b) Any person desiring to provide air transportation as a commuter air carrier must comply with the registration provisions of part 298 of this chapter and submit data to support a fitness determination in accordance with part 204 of this chapter. An executed original plus two (2) true copies of the registration form and fitness data shall be filed with the Chief, Air Carrier Fitness Division.

(Approved by the Office of Management and Budget under control number 2106-0023)

§ 201.2 Amendments.

If, after receipt of any application, the Department asks the applicant to supply additional information, such information shall be furnished in the form of a supplement to the original application.

§ 201.3 Incorporation by reference.

Incorporation by reference shall be avoided. However, where two or more applications are filed by a single carrier, lengthy exhibits or other documents attached to one may be incorporated in the others by reference if that procedure will substantially reduce the cost to the applicant.

§ 201.4 General provisions concerning contents.

(a) All pages of an application shall be consecutively numbered, and the application shall clearly describe and identify each exhibit by a separate number or symbol. All exhibits shall be deemed to constitute a part of the application to which they are attached.

(b) All amendments to applications shall be consecutively numbered and shall comply with the requirements of this part.

(c) Requests for authority to engage in interstate and overseas air transportation shall not be included in the same application with requests for authority to engage in foreign air transportation. Similarly, requests for authority to engage in scheduled air transportation under section 401 shall not be included in the same application with requests for authority to engage in charter air transportation under section 401 or with requests for authority to

engage in domestic all-cargo air transportation under section 418.

(d) Each application shall specify the type or types of service (passengers, property or mail) to be rendered and whether such services are to be rendered on scheduled or charter operations.

(e) Each application for foreign scheduled air transportation shall include an adequate identification of each route for which a certificate is desired, including the terminal and intermediate points to be included in the certificate for which application is made.

(f) Each application shall give full and adequate information with respect to each of the relevant filing requirements set forth in part 204 of this chapter. In addition, the application may contain such other information and data as the applicant shall deem necessary or appropriate in order to acquaint the Department fully with the particular circumstances of its case; however, the statements contained in an application shall be restricted to significant and relevant facts.

(Approved by the Office of Management and Budget under control number 2106-0023)

§ 201.5 Advertising and sales by applicants.

(a) An applicant for new or amended certificate or commuter air carrier authority shall not:

(1) Advertise, list schedules, or accept reservations for the air transportation covered by its application until the application has been approved by the Department; or

(2) Accept payment or issue tickets for the air transportation covered by its application until the authority or amended authority has become effective or the Department issues a notice authorizing sales.

(b) An applicant for new or amended certificate or commuter air carrier authority may not advertise or publish schedule listings for the air transportation covered by its application after the application has been approved by the Department (but before all authority issued by DOT, including the FAA, becomes effective) unless such advertising or schedule listings prominently state: "This service is subject to receipt of government operating authority."

Subpart B—Certificate Terms, Conditions, and Limitations

§ 201.6 Applicability.

Unless the certificate or the order authorizing its issuance shall otherwise

provide, such terms, conditions and limitations as are set forth in this part, and as may from time to time be prescribed by the Department, shall apply to the exercise of the privileges granted by each certificate issued under section 401 or section 418 of the Act.

§ 201.7 General certificate conditions.

(a) It shall be a condition upon the holding of a certificate that any intentional failure by the holder to comply with any provision of title IV of the Act or any order, rule, or regulation issued thereunder or any term, condition, or limitation of such certificate shall be a failure to comply with the terms, conditions, and limitations of the certificate within the meaning of section 401(g) of the Act even though the failure to comply occurred outside the territorial limits of the United States, except to the extent that such failure shall be necessitated by an obligation, duty, or liability imposed by a foreign country.

(b) Failure to file the reports required by part 241, 291, or 298 of this chapter shall be sufficient grounds to revoke a certificate.

(c) The authority to transport U.S. mail under a certificate is permissive, unless the Department, by order or rule, directs a carrier or class of carriers to transport mail on demand of the U.S. Postal Service; such certificate confers no right to receive subsidy, for the carriage of mail or otherwise.

(d) An all-cargo air service certificate shall confer no right to carry passengers, other than cargo attendants accompanying a shipment, or to engage in any air transportation outside the geographical scope of domestic cargo transportation. Such certificate shall not, however, restrict the right of the holder to provide scheduled, charter, contract, or other transportation of cargo, by air, within that geographical scope.

(e) It shall be a condition upon the holding of a certificate that the holder have and maintain in effect and on file with the Department a signed counterpart of Agreement 18900 (OST Form 4523), and a tariff (for those carriers otherwise generally required to file tariffs) that includes its terms, and that the holder comply with all other requirements of part 203. OST Form 4523 may be obtained from the Office of Aviation Analysis, Regulatory Analysis Division.

PART 202—[REMOVED]

2. Part 202 is removed.

3. Part 204 is revised to read as follows:

PART 204—DATA TO SUPPORT FITNESS DETERMINATIONS

Subpart A—General Provisions

Sec.

204.1 Purpose.

204.2 Definitions.

Subpart B—Filing Requirements

204.3 Applicants for new certificate or commuter air carrier authority.

204.4 Carriers proposing to provide essential air transportation.

204.5 Certificated and commuter air carriers undergoing or proposing to undergo a substantial change in operations, ownership, or management.

204.6 Certificated and commuter air carriers proposing a change in operations, ownership, or management which is not substantial.

204.7 Revocation for dormancy.

Authority: 49 U.S.C. 1324, 1371, 1377, 1389.

Subpart A—General Provisions

§ 204.1 Purpose.

This part sets forth the fitness data that must be submitted by applicants for certificate authority, by applicants for authority to provide service as a commuter air carrier to an eligible point, by carriers proposing to provide essential air transportation, and by certificated air carriers and commuter air carriers proposing a substantial change in operations, ownership, or management. This part also contains the procedures and filing requirements applicable to carriers that hold dormant authority.

§ 204.2 Definitions.

As used in this part:

(a) *Act* means the Federal Aviation Act of 1958, as amended.

(b) *All-cargo air carrier or section 418 carrier* means an air carrier holding an all-cargo air service certificate issued under section 418 of the Act to provide domestic cargo transportation. *All-cargo air service* means domestic cargo transportation performed by any air carrier holding a certificate issued under section 418 of the Act.

(c) *Certificate authority* means authority to provide air transportation granted by the Department of Transportation or Civil Aeronautics Board in the form of a certificate of public convenience and necessity under section 401 of the Act or a certificate to perform all-cargo air service under section 418 of the Act. *Certificated carriers* are those that hold certificate authority.

(d) *Citizen of the United States* means:

(1) An individual who is a citizen of the United States or one of its possessions, or

(2) A partnership of which each member is such an individual, or

(3) A corporation or association created or organized under the laws of the United States or of any State, Territory, or possession of the United States, of which the president and two-thirds of the board of directors and other managing officers are such individuals and in which at least 75 percent of the voting interest is owned or controlled by persons who are citizens of the United States or of one of its possessions.

(e) *Commuter air carrier* means an air carrier holding or seeking authority under part 298 of this Chapter that carries passengers on at least five round trips per week on at least one route between two or more points according to its published flight schedules that specify the times, days of the week, and places between which those flights are performed.

(f) *Domestic cargo transportation* means the carriage by aircraft in interstate or overseas air transportation of property or mail, or both.

(g) *Eligible point* is one that was on a certificated carrier's authorized route as of October 24, 1978 (Type A point), or was deleted from a certificate between July 1, 1968, and October 24, 1978, and has been designated as "eligible" (Type B point).

(h) *Essential air transportation* is that transportation which the Department has found to be essential under Section 419 of the Act.

(i) *FAA* means the Federal Aviation Administration, U.S. Department of Transportation.

(j) *Fit* means fit, willing and able to perform the air transportation in question properly and to conform to the provisions of the Act and the rules, regulations and requirements issued under the Act.

(k) *Key personnel* include the directors, president, chief executive officer, chief operating officer, all vice presidents, the directors or supervisors of operations, maintenance, and finance, and the chief pilot of the applicant or air carrier, as well as any part-time or full-time advisors or consultants to the management of the applicant or air carrier.

(l) *Normalized operations* are those which are relatively free of start-up costs and temporary barriers to full-scale operations posed by the carrier's limited experience.

(m) *Relevant corporations* are the applicant or air carrier, any subsidiary thereof, any predecessor thereof (i.e., any air carrier in which any directors, principal officers or persons having a substantial interest have or once had a

substantial interest), and any company (including a sole proprietorship or partnership) which has a significant financial or managerial influence on the applicant or air carrier. The latter includes:

(1) Any company (including a sole proprietorship or partnership) holding more than 50 percent of the outstanding voting stock of the applicant or air carrier; and

(2) Any company (including a sole proprietorship or partnership) holding between 20 percent and 50 percent of the outstanding voting stock of the applicant or air carrier as indicated, for example, by 25 percent representation on the board of directors, participation in policy-making processes, substantial inter-company transactions, or managerial personnel with common responsibilities in both companies.

(n) *Substantial change in operations, ownership, or management* includes, but is not limited to, the following events:

(1) Changes in operations from charter to scheduled service, cargo to passenger service, short-haul to long-haul service, or (for a certificated air carrier) small-aircraft to large-aircraft operations;

(2) The filing of a petition for reorganization or a plan of reorganization under Chapter 11 of the federal bankruptcy laws;

(3) The acquisition by a new shareholder or the accumulation by an existing shareholder of beneficial control of 10 percent or more of the outstanding voting stock in the corporation; and

(4) A change in the president, chief executive officer or chief operating officer, and/or a change in at least half of the other key personnel within any 12-month period or since its latest fitness review, whichever is the more recent period.

(o) *Substantial interest* means beneficial control of 10 percent or more of the outstanding voting stock.

Subpart B—Filing Requirements

§ 204.3 Applicants for new certificate or commuter air carrier authority.

An applicant for a type of certificate authority it does not currently hold or for commuter air carrier authority shall file the data set forth in paragraphs (a) through (v) of this section. In addition, the Department may require an applicant to provide additional data if necessary to reach an informed judgment about its fitness. If the applicant has previously formally filed any of the required data with the Department or with another Federal agency and they are available to the Department, and those data continue to

reflect the current state of the carrier's fitness, the applicant may instead identify the data and provide a citation for the date(s) and place(s) of filing. Prior to filing any data, the applicant may contact the Air Carrier Fitness Division to ascertain what data required by this section are already available to the Department and need not be included in the filing.

Note: If the applicant intends to use as evidence data it has previously filed pursuant to part 241 reporting requirements and those data contain errors, the applicant must first file corrected reports in accordance with § 241.22(g).

(a) The name, address, and telephone number of the applicant.

(b) The form of the applicant's organization.

(c) The State law(s) under which the applicant is organized.

(d) If the applicant is a corporation, a statement provided by the Office of the Secretary of State, or other agent of the State in which the applicant is incorporated, certifying that the applicant corporation is in good standing.

(e) A sworn affidavit stating that the applicant is a citizen of the United States.

(f) The identity of the key personnel who would be employed by the applicant, including:

(1) Their names and addresses;

(2) The experience, expertise, and responsibilities of each;

(3) The number of shares of the applicant's voting stock held by each and the percentage of the total number of such shares issued and outstanding, and the citizenship and principal business of any person for whose account, if other than the holder, such interest is held;

(4) The citizenship of each; and

(5) A description of the officerships, directorships, shares of stock (if 10 percent or more of total voting stock outstanding), and other interests each holds or has held in any air carrier, foreign air carrier, common carrier, person substantially engaged in the business of aeronautics or persons whose principal business (in purpose or fact) is the holding of stock in or control of any air carrier, common carrier or person substantially engaged in the business of aeronautics.

(g) A list of all persons having a substantial interest in the applicant. Such list shall include:

(1) Each person's name, address and citizenship;

(2) The number of shares of the applicant's voting stock held by each such person and the corresponding

percentage of the total number of such shares issued and outstanding, and the citizenship and principal business of any person for whose account, if other than the holder, such interest is held;

(3) If any two or more persons holding a substantial interest in the applicant are related by blood or marriage, such relationship(s) shall be included in the list; and

(4) If any person or subsidiary of a person having a substantial interest in the applicant is or has ever been

(i) An air carrier, a foreign air carrier, a common carrier, or

(ii) Substantially engaged in the business of aeronautics, or

(iii) An officer or director of any such entity, or

(iv) A holder of 10 percent or more of total outstanding voting stock of any such entity, the list shall describe such relationship(s).

(h) A list of the applicant's subsidiaries, if any, including a description of each subsidiary's principal business and relationship to the applicant.

(i) A list of the applicant's shares of stock in, or control of, any air carrier, foreign air carrier, common carrier, or person substantially engaged in the business of aeronautics.

(j) To the extent any relevant corporation has been engaged in any business prior to the filing of the application, each applicant shall provide:

(1) Copies of the 10K Annual Reports filed in the past 3 years by any relevant corporation required to file such reports with the Securities and Exchange Commission, and

(2) Copies of recently filed 10Q Quarterly Reports, as necessary, in order to show the financial condition and results of operations of the enterprise current to within 3 months of the date of the filing of the application.

(k) If 10K Reports are not filed with the Securities and Exchange Commission, the following, for the 3 most recent calendar or fiscal years, reflecting the financial condition and results of operations of the enterprise current to within 3 months of the date of the filing of the application:

(1) The Balance Sheet of each relevant corporation;

(2) The Income Statement of each relevant corporation;

(3) All footnotes applicable to the financial statements, including:

(i) A statement as to whether the documents were prepared in accordance with Generally Accepted Accounting Principles, and

(ii) A description of the significant accounting policies of each relevant corporation, such as for depreciation, amortization of intangibles, overhauls, unearned revenues, and cost capitalization;

(4) A statement of significant events occurring subsequent to the most recent Balance Sheet date for each relevant corporation; and

(5) A statement identifying the person who has prepared the financial statements, his or her accounting qualifications, and any affiliation he or she has with the applicant.

(1) A list of all actions and outstanding judgments for more than \$5,000 against any relevant corporation, key personnel employed (or to be employed) by any relevant corporation, or person having a substantial interest in any relevant corporation, including the amount of each judgment, the party to whom it is payable, and how long it has been outstanding.

(m) The number of actions and outstanding judgments of less than \$5,000 against each relevant corporation, key personnel employed (or to be employed) by any relevant corporation, or person having a substantial interest in any relevant corporation, and the total amount owed by each on such judgments.

(n) A description of the applicant's fleet of aircraft, including:

(1) The number of each type of aircraft owned, leased and to be purchased or leased;

(2) Applicant's plans, including financing plans, for the purchase or lease of additional aircraft; and

(3) A sworn affidavit stating that each aircraft owned or leased has been certified by the FAA and currently complies with all FAA safety standards.

(o) A description of the current status of all pending investigations, enforcement actions, and formal complaints filed by the Department, including the FAA, involving the applicant or any relevant corporation, any personnel employed (or to be employed) by any relevant corporation or person having a substantial interest in any relevant corporation, regarding compliance with the Act or orders, rules, regulations, or requirements issued pursuant to the Act, and any corrective actions taken. (If an applicant has a compliance history that warrants it, additional information may be required.)

(p) A description of all charges of unfair or deceptive or anticompetitive business practices, or of fraud, felony or antitrust violation, brought against any relevant corporation or person having a substantial interest in any relevant corporation, or member of the key

personnel employed (or to be employed) by any relevant corporation in the past 10 years. Such descriptions shall include the disposition or current status of each such proceeding.

(q) A description of any aircraft accidents or incidents (as defined in the National Transportation Safety Board Regulations, 49 CFR 830.2) experienced by the applicant, its personnel, or any relevant corporation, which occurred either during the year preceding the date of application or at any time in the past and which remain under investigation by the FAA, the NTSB, or by the company itself, including:

(1) The date of the occurrence;

(2) The type of flight;

(3) The number of passengers and crew on board and an enumeration of any injuries or fatalities;

(4) A description of any damage to the aircraft;

(5) The FAA and NTSB file numbers and the status of the investigations, including any enforcement actions initiated against the carrier or any of its personnel; and

(6) Positive actions taken to prevent recurrence. (If an applicant's history of accidents or incidents warrants it, additional information may be required.)

(r) A brief narrative history of the applicant.

(s) A description of all Federal, State and foreign authority under which the applicant has conducted or is conducting transportation operations, and the identify of the local FAA office and personnel responsible for processing an application for any additional FAA authority needed to conduct the proposed operations.

(t) A description of the service to be operated if the application is granted, including:

(1) A forecast Balance Sheet for the first normal year ending after the initially proposed operations have been incorporated, along with the assumptions underlying the accounts and amounts shown; and

(2) A forecast Income Statement, broken down by quarters, for the first year ending after the initially proposed operations are normalized, and an itemization of all pre-operating and start-up costs associated with the initiation of the proposed service. Such Income Statement shall include estimated revenue block hours (or airborne hours, for charter operators) and revenue miles by type of aircraft, number of passengers and number of tons of mail and cargo to be carried, transport revenues and an estimate of the traffic which would be generated in each market receiving the proposed service. Such statements shall also

include a statement as to whether the statements were prepared on the accrual or cash basis, an explanation of how the estimated costs and revenues were developed, a description of the manner in which costs and revenues are allocated, how the underlying traffic forecasts were made, and what load factor has been assumed for the average and peak month. Pre-operating and start-up costs should include, but are not limited to, the following: Obtaining necessary government approval; establishing stations; introductory advertising; aircraft, equipment and space facility deposits and rent; training; and salaries earned prior to start-up.

(u) A signed counterpart of Agreement 18900 (OST Form 4523) as required by part 203 of this chapter.

(v) The following certification, which shall accompany the application and all subsequent written submissions filed by the applicant in connection with its application:

Pursuant to title 18 United States Code section 1001, I [the individual signing the application, who shall be a principal owner, senior officer, or internal counsel of the applicant], in my individual capacity and as the authorized representative of the applicant, have not in any manner knowingly and willfully falsified, concealed or covered up any material fact or made any false, fictitious, or fraudulent statement or knowingly used any documents which contain such statements in connection with the preparation, filing or prosecution of the application. I understand that an individual who is found to have violated the provisions of 18 U.S.C. section 1001 shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

(The reporting requirements contained in this section were approved by the Office of Management and Budget under control number 2106-0023.)

§ 204.4 Carriers proposing to provide essential air transportation.

Applicants proposing to provide essential air transportation have been divided into two categories, and are subject to differing data submission requirements as set forth in paragraphs (a) and (b) of this section. However, if a carrier has previously filed any of the required data with the Department or other Federal agency and they are available to the Department, and these data continue to reflect the current state of the carrier's fitness, the carrier may instead identify the data and provide a citation for the date and place of filing. All carriers may contact the Air Carrier Fitness Division to ascertain what information is already available to the Department and thus may not need to be resubmitted.

(a) Carriers who propose to begin or expand non-subsidized essential air service when the incumbent leaves the market must file the following information:

(1) All of the information required under § 204.3 of this part.

(2) A description of the back-up aircraft available to the applicant, including:

(i) The number of each type of such aircraft;

(ii) The conditions under which such aircraft will be available to the carrier;

(iii) The carrier's plans for financing the acquisition or lease of such additional aircraft; and

(iv) A sworn affidavit stating that all such aircraft have been certified by the FAA and currently comply with all FAA safety standards.

(3) A description of the fuel available to perform the proposed essential air services and the carrier's contracts with fuel suppliers.

(4) The carrier's systemwide on-time and completion record for the preceding year and, if applicable, in the subject market(s).

(5) A list of the markets the carrier serves and the number of weekly round trips it provides in each.

(6) A description of the average number of block hours each type of aircraft is currently flown per day.

(7) An estimate of the impact the proposed essential air service would have on the carrier's utilization of its aircraft fleet.

(8) A detailed schedule of the service to be provided, including times of arrivals and departures, the aircraft to be used for each flight, and the fares to be charged.

(9) A pro-forma income statement for the proposed operation for the first annual period.

(b) Carriers filing proposals to provide subsidized service in response to an order inviting proposals shall file:

(1) All of the information required under § 204.3 of this part.

(2) All of the information required under paragraph (a) of this section.

(3) A forecast Income Statement covering the operations conducted in essential air service for the first year following the initiation of the proposed essential services. Such statement shall include:

(i) Subsidy needed;

(ii) Estimated block hours and revenue miles by type of aircraft;

(iii) Total projected revenue including volumes of passengers and freight by essential air service market and the associated fares and rates;

(iv) An explanation of the derivation of estimates of operating expenses; and

(v) A description of the manner in which costs and revenues are allocated.

(4) A traffic forecast including a load factor analysis on all segments between the small community and the hub; and an estimate of the number of seats available to and from the eligible point each day.

(Approved by the Office of Management and Budget under control number 2106-0023)

§ 204.5 Certificated and commuter air carriers undergoing or proposing to undergo substantial change in operations, ownership, or management.

(a) A certificated or commuter air carrier proposing a substantial change in operations, ownership or management shall file the data set forth in § 204.3. These data must be submitted in cases where:

(1) The proposed change requires new or amended authority, or

(2) Although the carrier's existing certificate or commuter authority is adequate for the performance of its planned services, the change substantially alters the factors upon which its latest fitness finding is based.

(b) Information which a carrier has previously formally filed with the Department, or with another Federal agency where they are available to the Department, which continues to reflect the current state of the carrier's fitness may be omitted. The carrier instead should identify the data and provide a citation for the date(s) and place(s) of filing. Prior to filing any data, the carrier may contact the Department (Air Carriers Fitness Division) to ascertain what data required by this section, if any, are already available to the Department or are not applicable to the substantial change in question and need not be included in the filing.

(c) Information filings pursuant to this section made to support an application for new or amended certificate authority shall be filed with the application and addressed to the Documentary Services Division, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Information filed in support of a certificated or commuter air carrier's continuing fitness to operate under its existing authority in light of substantial changes in its operations, ownership or management shall be addressed to the Chief, Air Carrier Fitness Division, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

(Approved by the Office of Management and Budget under control number 2106-0023)

§ 204.6 Certificated and commuter air carriers proposing a change in operations, ownership, or management which is not substantial.

Carriers proposing to make a change which would not substantially affect their operations, management, or ownership, such as certificated carriers applying for additional authority which would not substantially change their operations, will be presumed to be fit and need not file any information relating to their fitness at time of the change. However, if the Department concludes, from its own analysis or based on information submitted by third parties, that such change may bring the carrier's fitness into question, the Department may require the applicant carrier to file additional information.

§ 204.7 Revocation for dormancy.

(a) An air carrier that has not commenced any type of air transportation operations for which it was found fit, willing, and able within one year of the date of that finding, or an air carrier that, for any period of one year after the date of such a finding, has not provided any type of air transportation for which that kind of finding is required, is deemed no longer to continue to be fit to provide the air transportation for which it was found fit and, accordingly, its authority to provide such air transportation shall be revoked.

(b) An air carrier found fit which commences operations within one year after being found fit but then ceases operations, shall not resume operations without first filing all of the data required by § 204.3 at least 45 days before it intends to provide any such air transportation. Such filings shall be addressed to the Documentary Services Division, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. The Department will entertain requests for exemption from this 45-day advance filing requirement for good cause shown. If there has been no change in fitness data previously formally filed with the Department, the carrier shall file a sworn statement to that effect signed by one of its officers. The carrier may contact the Department (Air Carrier Fitness Division) to ascertain which data are already available to the Department and need not be refiled. A carrier to which this paragraph applies shall not provide any air transportation for which it is required to be found fit, willing, and able until the Department decides that the carrier continues to be fit, willing, and able to perform such air transportation. During the pendency of the Department's consideration of a

data submission under this paragraph, the expiration period set out in paragraph (a) of this section shall be stayed. If the decision or finding by the Department on the issue of the carrier's fitness is favorable, the date of that decision or finding shall be the date considered in applying paragraph (a) of this section.

(c) For purposes of this section, the date of a Department decision or finding shall be the service date of the Department's order containing such decision or finding, or, in cases where the Department's decision or finding is made by letter, the date of such letter.

(d) For purposes of this section, references to operations and to the providing of air transportation shall refer only to the actual performance of flight operations under an operating certificate issued to the carrier by the FAA.

(Approved by the Office of Management and Budget under control number 2106-0023)

PART 291—[AMENDED]

4. The authority citation for part 291 is revised to read as follows:

Authority: 49 U.S.C. 1301, 1302, 1324, 1371, 1377, 1378, 1386, 1388, unless otherwise noted.

5. Subpart B of part 291 is revised to read as follows:

PART 291—DOMESTIC CARGO TRANSPORTATION

Subpart B—All-Cargo Air Service Certificates

Sec.
291.10 Applications.

Subpart B—All-Cargo Air Service Certificates

§ 291.10 Applications.

Applications for all-cargo air service certificates shall comply with the provisions of part 201 and subpart Q of part 302 of this chapter with regard to filing procedures, and with the provisions of part 204 of this chapter with regard to evidentiary requirements.

(Approved by the Office of Management and Budget under control number 2106-0023)

6. Subparts C, D, E, and F of part 291 are amended as follows:

§§ 291.20, 291.23, 291.24, 291.34, 291.50 [Amended]

(a) In §§ 291.20, 291.23(b), 291.24, 291.34, and 291.50, remove the word "Board" and add, in its place, the word "Department".

§ 291.42 [Amended]

(b) In § 291.42(a)(2), remove the words "Office of the Comptroller, Information Management Division, B-46a, Civil Aeronautics Board, Washington, DC 20428" and add, in their place, the words "Data Administration Division, DAI-20, room 4125, Office of Airline Statistics, Research and Special Programs Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001".

PART 302—[AMENDED]

7. The authority citation for part 302 is revised to read as follows:

Authority: 5 U.S.C. *et seq.*, 39 U.S.C. 5402; 42 U.S.C. 4321, 49 U.S.C. Subtitle I, 1301, 1302, 1324, 1371, 1372, 1373, 1374, 1376, 1382, 1471, 1481, 1482, 1485; Reorganization Plan No. 3 of 1961, 75 Stat. 637, 26 FR 5989.

8. In § 302.1701 of subpart Q, paragraph (d) is added to read as follows:

§ 302.1701 Applicability.

(d) Applications for all-cargo air service certificates, and renewals, alterations, amendments, modifications, suspensions, and transfers of such certificates under section 418 of the Act.

Issued in Washington, DC, on August 20, 1992.

Jeffrey N. Shane,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 92-20423 Filed 8-26-92; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 1220

[Docket No. 92N-0304]

Regulations Under the Tea Importation Act; Tea Standards

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is announcing the establishment of tea standards for the year beginning May 1, 1992, and ending April 30, 1993. The tea standards are provided for under the Tea Importation Act (the Act). The Act prohibits the importation of a tea that is inferior to the annual tea standard. Under the Act, the importation of a tea may be withheld until FDA examines the tea and is sure

that it complies with the annual standard.

DATES: Effective May 1, 1992; written comments by September 28, 1992.

ADDRESSES: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Michelle A. Smith, Center for Food Safety and Applied Nutrition (HFF-414), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-205-5106.

SUPPLEMENTARY INFORMATION: Because of the unique nature of the decisionmaking process for establishing annual standards for tea, the procedural protections that are part of this process, and the short period within which a standard must be set, FDA has never, since the enactment in 1897 of the Act (21 U.S.C. 41), used notice and comment rulemaking for tea standards.

Each final rule setting the standards is based on the recommendations of the Board of Tea Experts (the board), which is comprised of tea experts who are representative of the tea trade. The board selects standards each year according to the provisions of the Act. The board bases its selection on tea samples submitted by members of the tea trade to the board. Relying primarily on organoleptic examination, the board selects one tea to represent the standard for each major type of tea imported into the United States. In choosing a standard, the board tries to select one at least equal in quality to that of the previous year. The Act prohibits the importation of a tea that is inferior to the annual tea standard. Under the Act, the importation of a tea may be withheld until FDA examines the tea and is sure that it complies with the annual standard.

The annual meeting of the board is open to the public and is announced in advance in the *Federal Register*. At the annual meeting any interested person may present data, information, or views orally or in writing regarding new standards.

The annual tea standards are prepared and submitted to the Secretary of Health and Human Services by the board (21 CFR 1220.41).

Should a tea importer be dissatisfied with an FDA tea examiner's rejection of a shipment of tea, the importer can refer its complaint to the U.S. Board of Tea Appeals and then to the U.S. Court of Appeals. FDA is unaware of any complaints or arguments having ever occurred concerning a designated

standard, despite the many years since the enactment of the Act.

FDA concludes that notice and comment rulemaking to set tea standards is impracticable, contrary to the public interest, and unnecessary by virtue of the factors discussed above, i.e., the unique, longstanding procedures that apply to establishing a standard, the fact that standards are based principally on organoleptic examinations by tea experts, the public participation opportunities already provided, and the timeframes required for issuing annual standards. Hence, the agency is not following notice and comment rulemaking procedures in establishing the final tea standards for 1992.

Environmental Impact

The agency has determined under 21 CFR 25.24(b)(1) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Economic Impact

The impact of this rule on small entities, including small businesses, was reviewed in accordance with the Regulatory Flexibility Act (Pub. L. 96-354) (5 U.S.C. 601). This rule announces the establishment of tea standards for the year beginning May 1, 1992, and ending April 30, 1993. Only teas that meet or exceed the standards will be permitted entry into the United States. These standards protect industry and consumers from acceptance of unfit tea. FDA has concluded that this action will not result in a significant economic impact on a substantial number of small entities. Therefore, FDA certifies, in accordance with section 605(b) of the Regulatory Flexibility Act, that no significant economic impact on a substantial number of small entities will derive from this action.

Interested persons may, on or before September 28, 1992, submit to the Dockets Management Branch (address above) written comments regarding this regulation. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. Any changes in this regulation justified by such comments will be the subject of a further amendment.

List of Subjects in 21 CFR Part 1220

Administrative practice and procedure, Customs duties and inspection, Imports, Public health, Tea.

Therefore, under the authority delegated to the Secretary of Health and Human Services by the Tea Importation Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR Part 1220 is amended as follows:

PART 1220—REGULATIONS UNDER THE TEA IMPORTATION ACT

1. The authority citation for 21 CFR Part 1220 continues to read as follows:

Authority: 21 U.S.C. 41-50; 19 U.S.C. 1311.

2. Section 1220.40 is amended by revising paragraph (a) to read as follows:

§ 1220.40 Tea standards.

(a) Samples for standards of the following teas, prepared, identified, and submitted by the Board of Tea Experts on March 20, 1992, are hereby fixed and established as the standards of purity, quality, and fitness for consumption under the Tea Importation Act for the year beginning May 1, 1992, and ending April 30, 1993:

(1) Black Tea (for all teas except those from the People's Republic of China (China), Taiwan (Formosa), Iran, Japan, Russia, Turkey, and Argentina).

(2) Black Tea (for Argentina teas).

(3) Black Tea (for teas from the People's Republic of China (China), Taiwan (Formosa), Iran, Japan, Russia, and Turkey).

(4) Green Tea (of all origins).

(5) Formosa Oolong.

(6) Canton Oolong (for all Canton types from the People's Republic of China (China) and Taiwan (Formosa)).

(7) Scented Black Tea.

(8) Spiced Tea.

These standards apply to tea shipped from abroad on or after May 1, 1992.

Dated: August 21, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-20504 Filed 8-26-92; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 0

[AG Order No. 1617-92]

Delegations of Authority; Bureau of Prisons

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order updates the delegations of authority to the Director of the Bureau of Prisons (Director) to reflect changes made by the Comprehensive Crime Control Act of 1984, the recodification of title 31 of the United States Code, and an increase in the dollar value amount of settlement authority delegated to the Director to settle claims brought under the Federal Tort Claims Act. This order also adds specific reference to provisions regarding Federal prisoners boarded in state institutions, and deletes reference to certain authority over the provision of pretrial services no longer vested by statute in the Attorney General. Overall, this order is necessary to clarify and update the general statement of delegated authority to the Director.

EFFECTIVE DATE: August 27, 1992.

FOR FURTHER INFORMATION CONTACT:

Roy Nanovic, Office of General Counsel, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534, telephone (202) 307-3062.

SUPPLEMENTARY INFORMATION:

The Comprehensive Crime Control Act of 1984, Public Law 98-473, 98 Stat. 1976-2193, vested certain authority in the Director regarding the confinement of convicted persons with respect to offenses committed on or after November 1, 1987. This authority previously had been vested in the Attorney General and delegated to the Director. This order revises 28 CFR 0.96 to indicate those delegations of authority made before the passage of the Comprehensive Crime Control Act of 1984, and now applicable only to offenses committed prior to November 1, 1987.

This order also clarifies the general statement of delegated authority to the Director relating to the commitment, control, or treatment of persons charged with or convicted of offenses against the United States by adding a paragraph (v) which contains specific reference to the authority for contracting with the proper authorities of any state, territory, or political subdivision thereof, for the imprisonment, subsistence, care, and proper employment of persons convicted of offenses against the United States.

In addition, this order makes minor editorial changes and updates references to recodified sections contained in title 31 of the United States Code and deletes reference (contained in old subsection (o)) to authority to approve certain contracts for the operation of pretrial services facilities no longer vested by statute in the

Attorney General. Prior to its amendment in 1982 by Public Law 97-267, 96 Stat. 1137, 18 U.S.C. 3154 provided that pretrial services agencies had to obtain the approval of the Attorney General to operate, or to contract for the operation of, "facilities for the custody or care of persons released" pending judicial proceedings. 18 U.S.C. 3154 (1976).

Finally, the order eliminates the redundant reference in § 0.96(1) to the dollar value amount of settlement authority delegated to the Director to settle claims brought under the Federal Tort Claims Act. This amount is specified in 28 CFR 0.172, and was raised to \$10,000 in an order published in the Federal Register, 56 FR 48734, September 26, 1991.

This order is a matter of internal department management. In accordance with 5 U.S.C. 605(b) the Attorney General certifies that this rule will not have a significant economic impact on a substantial number of small entities. It is not a major rule within the meaning of or subject to Executive Order 12291, and does not have Federalism implications warranting the preparation of a Federalism Assessment in accordance with section 6 of E.O. 12612.

List of Subjects in 28 CFR Part 0

Authority delegations (Government agencies), Government employees, Organization and functions (Government agencies), Whistleblowing.

Accordingly, by virtue of the authority vested in the Attorney General by law, including 5 U.S.C. 301 and 28 U.S.C. 509-510, part 0 of title 28 of the Code of Federal Regulations is amended as follows:

PART 0—[AMENDED]

1. The authority citation for 28 CFR part 0 continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510, 515-519.

2. Section 0.96 is revised to read as follows:

§ 0.96 Delegations.

The Director of the Bureau of Prisons is authorized to exercise or perform any of the authority, functions, or duties conferred or imposed upon the Attorney General by any law relating to the commitment, control, or treatment of persons (including insane prisoners and juvenile delinquents) charged with or convicted of offenses against the United States, including the taking of final action in the following-described matters:

(a) Requesting the detail of Public Health Service officers for the purpose

of furnishing services to Federal penal and correctional institutions (18 U.S.C. 4005).

(b) Consideration, determination, adjustment, and payment of claims in accordance with 31 U.S.C. 3722.

(c) Designating places of imprisonment or confinement where the sentences of prisoners shall be served and ordering transfers from one institution to another, whether maintained by the Federal Government or otherwise, pursuant to 18 U.S.C. 4082 as it existed before the enactment of Pub. L. 98-473 (applicable to offenses committed prior to November 1, 1987).

(d) Extending the limits of the place of confinement of prisoners for the purposes specified, and within the limits established, by 18 U.S.C. 4082(c) as it existed before the enactment of Public Law 98-473, and otherwise performing the functions of the Attorney General under that section (applicable to offenses committed prior to November 1, 1987).

(e) Designation of agents for the transportation of prisoners (18 U.S.C. 4008).

(f) Accepting gifts or bequests of money for credit to the "Commissary Funds, Federal Prisons" (31 U.S.C. 1321 and 18 U.S.C. 4043).

(g) Prescribing regulations for the use of surplus funds in "Commissary Funds, Federal Prisons" to provide advances not in excess of \$150 to prisoners at the time of their release pursuant to 18 U.S.C. 4284 as it existed before the enactment of Public Law 98-473 (applicable to offenses committed prior to November 1, 1987).

(h) Allowance, forfeiture, and restoration of all good time pursuant to 18 U.S.C. 4161, 4162, 4165, and 4166 as those sections existed before the enactment of Public Law 98-473 (applicable to offenses committed prior to November 1, 1987).

(i) Release of prisoners held solely for nonpayment of fine as provided in 18 U.S.C. 3569 as it existed before the enactment of Public Law 98-473 (applicable to offenses committed prior to November 1, 1987).

(j) Furnishing transportation, clothing, and payments to released prisoners pursuant to 18 U.S.C. 4281 as it existed before the enactment of Public Law 98-473 (applicable to offenses committed prior to November 1, 1987).

(k) Performing the functions of the Attorney General under the provisions of 18 U.S.C. Chapter 313, Offenders with Mental Disease or Defect (18 U.S.C. 4241-4247).

(l) Settlement of claims arising under the Federal Tort Claims Act as provided in 28 CFR 0.172.

(m) Entering into reciprocal agreements with fire organizations for mutual aid and rendering emergency assistance in connection with extinguishing fires within the vicinity of a Federal correctional facility, as authorized by sections 2 and 3 of the Act of May 27, 1955 (42 U.S.C. 1856a, 1856b).

(n) Deciding upon requests by states for temporary transfers of custody of inmates for prosecution under Article IV of the Interstate Agreement on Detainers (84 Stat. 1399) and pursuant to other available procedures; and receiving and reviewing requests by the executive authority of states or the District of Columbia for, and authorizing the transfer of, inmates pursuant to 18 U.S.C. 4085 as it existed before the enactment of Public Law 98-473 (applicable to offenses committed prior to November 1, 1987).

(o) Prescribing rules and regulations applicable to the carrying of firearms by Bureau of Prisons officers and employees (18 U.S.C. 3050).

(p) Promulgating rules governing the control and management of Federal penal and correctional institutions and providing for the classification, government, discipline, treatment, care, rehabilitation, and reformation of inmates confined therein (18 U.S.C. 4001, 4041, and 4042).

(q) Establishing and designating Bureau of Prisons Institutions (18 U.S.C. 4001, 4042).

(r) Granting permits to states or public agencies for rights-of-way upon lands administered by the Director in accordance with the provisions of 43 U.S.C. 931c and 43 U.S.C. 961 (18 U.S.C. 4001, 4041, 4042, 43 U.S.C. 931c, 961).

(s) Authority to accept donations for use by the Bureau of Prisons, including Federal Prison Industries, and to promulgate rules concerning these donations (18 U.S.C. 4044).

(t) Authority under the provisions of 18 U.S.C. 4082(b) to provide law enforcement representatives with information on Federal prisoners who have been convicted of felony offenses and who are confined at a residential community treatment center located in the geographical area in which the requesting agency has jurisdiction (18 U.S.C. 4082).

(u) Approving inmate disciplinary and good time regulations (18 U.S.C. 3624).

(v) Contracting, for a period not exceeding three years, with the proper authorities of any State, Territory, or political subdivision thereof, for the imprisonment, subsistence, care, and proper employment of persons convicted of offenses against the United States (18 U.S.C. 4002).

Dated: August 20, 1992.
 William P. Barr,
 Attorney General.
 [FR Doc. 92-20552 Filed 8-26-92; 8:45 am]
 BILLING CODE 4410-01-M

28 CFR Part 40

[AG Order No. 1618-92]

Standards for Inmate Grievance Procedures

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This final rule modifies the minimum standards for state prison inmate grievance procedures promulgated by the Attorney General pursuant to section 7 of the Civil Rights of Institutionalized Persons Act. The regulations had required states that wished to be certified pursuant to section 7 to permit inmates to participate in an advisory capacity in the disposition of grievances challenging general policy and practices, and in certain cases, to have an opportunity for such participation before the initial adjudication of the grievance. Some have incorrectly construed the regulations to require that inmates sit on panels adjudicating other inmate grievances, and have therefore concluded that the regulations go beyond the strict language of the statute. This amendment is intended to clarify that the regulations do not contain such a requirement.

EFFECTIVE DATE: September 28, 1992.

ADDRESSES: Office of General Counsel, Bureau of Prisons, HOLC room 754, 320 First Street, NW., Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: John Megathlin, Administrator, National Inmate Appeals, Federal Bureau of Prisons, 320 First Street, NW., Washington, DC 20534, telephone (202) 514-6655.

SUPPLEMENTARY INFORMATION:

Background

Section 7(b)(1) of the Civil Rights of Institutionalized Persons Act, 42 U.S.C. 1997e(b)(1), provides that "the Attorney General shall, after consultation with persons, State and local agencies, and organizations with background and expertise in the area of corrections, promulgate minimum standards for the development and implementation of a plain, speedy, and effective system for the resolution of grievances of adults confined in any jail, prison, or other correctional facility." Pursuant to section 7(c)(1) of the Act, 42 U.S.C.

1997e(c)(1), the Attorney General "shall develop a procedure for the prompt review and certification of [grievance] systems." In accordance with these provisions, the Department of Justice promulgated 28 CFR part 40 on October 1, 1981, 46 FR 48186.

On May 7, 1992, the Department of Justice published a proposed rule in order to amend the foregoing regulations to clarify that the states need not permit inmates to sit on panels adjudicating the grievances of other inmates. At the same time, the proposed amendment was designed to ensure inmate participation in the formulation, implementation, and operation of the grievance system in a manner that would encourage state and local authorities to develop grievance procedures pursuant to section 7 of the Act.

The Department received one response to the published proposed rule. That response came from a state's Department of Justice and was "wholeheartedly in agreement with the proposed revisions." Upon due consideration and in light of the comment received, the Department is adopting the proposed rule as a final regulation without change.

Regulatory Process Matters

This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291, and it does not have Federalism implications warranting the preparation of a Federalism Assessment in accordance with section 6 of Executive Order 12612. The Attorney General certifies that this rule, for purposes of the Regulatory Flexibility Act (Pub. L. 96-354), 5 U.S.C. 605(b), does not have a significant impact on a substantial number of small entities. The standards for inmate grievance procedures serve only as a model for the development of grievance systems by state and local authorities. While some local jurisdictions may come under the definition of small entity, adoption of the standards by any entity remains voluntary.

List of Subjects in 28 CFR Part 40

Administrative practice and procedure, Civil rights, Inmate grievance procedures, Prisoners.

Accordingly, by virtue of the authority vested in the Attorney General by law, including 5 U.S.C. 301 and 28 U.S.C. 509-510, part 40 of Chapter I of title 28 of the Code of Federal Regulations is amended as follows:

PART 40—STANDARDS FOR INMATE GRIEVANCE PROCEDURES

1. The authority citation for part 40 is revised to read as follows:

Authority: 42 U.S.C. 1997e.

2. Section 40.7 is amended by revising paragraph (b) to read as follows:

§ 40.7 Operation and decision.

(b) *Inmate and employee participation.* The institution shall provide for an advisory role for employees and inmates in the operation of the grievance system. In-person hearings and committees consisting of either inmates or employees or both are not required by this paragraph, but they are permitted so long as no inmate participates in the resolution of any other inmate's grievance over the objection of the grievant.

Dated: August 20, 1992.

William P. Barr,
 Attorney General.

[FR Doc. 92-20551 Filed 8-26-92; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF THE TREASURY

Fiscal Service; Bureau of the Public Debt

31 CFR Part 357

Regulations Governing Book-Entry Treasury Bonds, Notes and Bills
 [Department of the Treasury Circular, Public Debt Series No. 2-86]

AGENCY: Bureau of the Public Debt, Fiscal Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This amendment sets forth the forms of registration that have been authorized in the TREASURY DIRECT Book-Entry Securities System ("TREASURY DIRECT") (a) for Individual Retirement Accounts ("IRA's"), and (b) for owners who wish to provide, upon their death, that the proceeds of their Treasury securities be used to reduce the public debt of the United States. In addition, the amendment removes from the regulations duplicate provisions relating to direct deposit payments, which are now contained in 31 CFR part 370, Regulations Governing Payments by Automated Clearing House Method on Account of United States Securities ("ACH"); adds a provision that refers the investor to part 370; and, revises the

ACH prenotification provision that takes into account the fact that check payments are made under special circumstances.

EFFECTIVE DATE: August 27, 1992.

FOR FURTHER INFORMATION CONTACT: Sharon Separ, Attorney-Adviser, Washington, DC, Office of the Chief Counsel, Bureau of the Public Debt, (202) 874-4123.

SUPPLEMENTARY INFORMATION: The Bureau of the Public Debt has received a number of inquiries about the possibility of placing Individual Retirement Accounts in TREASURY DIRECT. The Bureau of the Public Debt, under the governing regulations, has always permitted registration in the name of an IRA trustee where the trustee was named, and where the agreement or document, pursuant to which the trust was established, was identified. In doing so, it was made clear that the issue as to whether the beneficiary of the IRA would receive the desired tax benefits was dependent on whether the Internal Revenue Service's ("IRS") IRA requirements has been met. These include a written agreement and approval by the Internal Revenue Service for trustees other than banks (as defined at 26 U.S.C. 408(n)) seeking to hold such accounts.

Section 357.21 of Title 31, Code of Federal Regulations, provides that, with the exception of partnership nominees, the TREASURY DIRECT registration of a security conclusively establishes its ownership. Although the Internal Revenue Service has also permitted an IRA to be held in the name of a custodian, the Bureau of the Public Debt had not permitted such registration, as custodians are usually bailees, not owners. However, since, under the IRS regulations, both IRA trustees and custodians are deemed to be fiduciaries, and given the fact that the trust and custodial agreements published by the IRS are virtually identical, like treatment of IRA trustees and custodians appears appropriate. Moreover, it is recognized that the custodian agreements permit those that cannot qualify as trustees to nevertheless hold IRA accounts. Also, under the Internal Revenue Code, any would-be IRA trustee or custodian, other than banks, as defined in section 408(n), must obtain IRS approval.

Investor inquiries have also been received from time to time asking how they might register their TREASURY DIRECT accounts so that upon their death the account balance could be used to reduce the public debt of the United States. A form of registration to accomplish this result has been

authorized. Specific reference is made in the registration to the statute which authorizes the United States Government to accept gifts made subject to the condition that they be used to reduce the public debt.

In addition, with the adoption of regulations, i.e., 31 CFR part 370, governing ACH payments made in connection with United States securities, many of the provisions relating to direct deposit, or ACH payments, in part 357 have become redundant. This amendment removes such duplicative provisions, retaining only those that apply solely to the securities covered by this part. A change has also been made to refer the investor to the part 370 regulations. Finally, the paragraph dealing with ACH prenotification has been revised to take into account situations where there is insufficient time to respond to a prenotification message. In such event, payment is made by check.

Special Analysis

Because this amendment relates to the terms and conditions of marketable Treasury securities, the notice and public procedures, and the delayed effective date requirements of the Administrative Procedure Act (5 U.S.C. 553(a)(2)) are inapplicable. It has been determined that the rule does not constitute a "major rule" for purposes of Executive Order No. 12291. A regulatory impact analysis, therefore, is not required. Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) do not apply to this rule.

List of Subjects in 31 CFR Part 357

Banks, Banking, Bonds, Electronic funds transfer, Government securities.

Accordingly, part 357 is amended, as follows:

PART 357—[AMENDED]

1. The authority citation for part 357 continues to read as follows:

Authority: 31 U.S.C. Chapter 31; 12 U.S.C. 391.

2. Section 357.21 is amended by adding 3 new paragraphs to the end of paragraph (c), and by adding a new paragraph (f) at the end of the section, to read as follows:

§ 357.21 Registration.

(c) * * *
An organization (other than a bank) or individual seeking to act as trustee or custodian of an Individual Retirement Account ("IRA"), must be authorized to so act by the Internal Revenue Service.

As appropriate, registration of the security should be in the form shown below:

Examples: ABC Bank, trustee for John Doe IRA, under agreement dated December 21, 1990.

EFG Broker, Inc., custodian for Mary Smith IRA, under agreement dated September 4, 1991.

(f) *The United States Treasury* A security may be registered in the name of an individual, with the United States Treasury as beneficiary, provided a reference to the statute which authorizes gifts to be made to the United States to reduce the public debt, is included.

Example: John S. Green, payable on death (or P.O.D.) to U.S. Treasury to reduce the public debt (31 U.S.C. 3113).

3. In § 357.26, paragraphs (b)(1) (vii), (viii), (b)(4), (b)(5), (b)(6), (d), and (e), are removed, paragraph (f) is redesignated as paragraph (d) and paragraphs (b)(2) and (b)(3) are revised to read as follows:

§ 357.26 Payments.

(b) * * *
(2) *Rules.* Direct deposit (electronic funds transfer) payments are governed by the regulations at 31 CFR part 370.
(3) *Prenotification.* Prenotification messages will be sent and responses will be received in accordance with the provisions in 31 CFR 370.5. Where the circumstances indicate that there is insufficient time to effect the change received in response to the prenotification message, payment will be made by check, in accordance with paragraph (c) of this section.

Dated: August 21, 1992.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 92-20526 Filed 8-26-92; 8:45 am]

BILLING CODE 4810-35-M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

32 CFR Part 292

[DIA Regulation 12-39]

Defense Intelligence Agency (DIA) Freedom of Information Act

AGENCY: Defense Intelligence Agency, DoD.

ACTION: Final rule.

SUMMARY: As a result of a reorganization of the Defense Intelligence Agency (DIA) as well as various substantive changes to the

Department of Defense Freedom of Information Act Program contained at 32 CFR part 292, guidelines pertaining to DIA and other DoD components, this document revises the DIA Freedom of Information Act Program. It informs the public of revised procedures by which for obtaining information under the Freedom of Information Act.

DATES: The effective date of this rule will be October 26, 1992 unless comments are received which result in a contrary determination.

Comments should be received no later than September 28, 1992.

ADDRESSES: Forward comments to: Defense Intelligence Agency, Attention: DSP-1A (FOIA), Washington, DC 20340-3299.

SUPPLEMENTARY INFORMATION: DIA Regulation 12-39 is not a major rule which will have an economic impact on the U.S. economy or require submission of information by the general public. The purpose of the revised DIA regulation is to inform the public of the procedures for obtaining information maintained in DIA record systems under the Freedom of Information Act. Delaying publication of this regulation will impede public access to DIA information which is releasable by law to the general public and will interfere with the public's access and understanding of military operations and activities.

List of Subjects in 32 CFR Part 292

Freedom of information.

Accordingly, 32 CFR part 292 is revised to read as follows:

PART 292—DEFENSE INTELLIGENCE AGENCY (DIA) FREEDOM OF INFORMATION ACT

Sec.

- 292.1 Purpose.
- 292.2 Applicability.
- 292.3 Basic policy.
- 292.4 Specific policy.
- 292.5 How the public submits requests for records.
- 292.6 FOIA exemptions.
- 292.7 Filing an appeal for refusal to make records available.
- 292.8 Responsibilities.

Appendix A to Part 292—Uniform Agency Fees for Search and Duplication Under the Freedom of Information Act (as Amended)

Authority: 5 U.S.C. 552.

§ 292.1 Purpose.

This document implements the "Freedom of Information Act (FOIA)," 5 U.S.C., as amended, with the Defense Intelligence Agency (DIA) and outlines

policy governing release of records to the public.

§ 292.2 Applicability.

This part applies to all DIA elements, and governs the public release of records of these elements.

§ 292.3 Basic policy.

(a) Upon receipt of a written request, the DIA will release to the public, records concerning its operations and activities which are rightfully public information. Generally, information, other than that exempt in § 292.6, will be provided to the public. The following policy will be followed in the conduct of this program.

(1) The provisions of the FOIA, as implemented by 32 CFR part 286 and this part, will be supported in both letter and spirit.

(2) Requested records will be withheld only when a significant and legitimate governmental purpose is served by withholding them. Records which require protection against unauthorized release in the interest of the national defense or foreign relations of the United States will not be provided.

(3) Official requests from Members of Congress, acting in their official capacity, will be governed by DoD Directive 5400.4,¹ (see DoD 5400.7-R,² paragraph 5-103); from the General Accounting Office by DoD Directive 7650.1;³ and from private parties, and officials of state or local governments by DoD 5400.7-R, paragraphs 5-101 and 102.

(4) Records will not be withheld solely because their release might result in criticism of the Department of Defense or this Agency.

(5) The applicability of the FOIA depends on the existence of an "identifiable record" (5 U.S.C. 552(a)(3)). Accordingly, if the DIA has no record containing information requested by a member of the public, it is under no obligation to compile information to create or obtain such a record.

(6) The mission of the DIA does not encompass regulatory or decision-making matters in the sense of a public use agency; therefore, extensive reading room material for the general public is not available.

(7) Pursuant to 5 U.S.C. 552 (a)(4)(A) fees may apply with regard to services rendered the public under the Freedom of Information Act (See appendix A to this part). With regard to fees, the

specific guidance of DoD, as set forth in DoD 5400.7-R will be followed.

(b) This basic policy is subject to the exemptions recognized in 5 U.S.C. 552 (b) and discussed in section 292.6.

§ 292.4 Specific policy.

(a) *Definition of a Record.* The products of data compilation, such as all books, papers, maps, and photographs, machine readable materials or other documentary materials, regardless of physical form or characteristics, made or received by the DIA in connection with the transaction of public business and in the DIA's possession and control at the time the FOIA request is made.

(b) The following are not included within the definition of the word "record:"

(1) Objects or articles, such as structures, furniture, paintings, sculptures, three-dimensional models, vehicles and equipment, whatever their historical value or value as evidence.

(2) Administrative tools by which records are created, stored, and retrieved, if not created or used as sources of information about organizations, policies, functions, decisions, or procedures of a DoD Component. Normally, computer software, including source code, object code, and listings of source and object codes, regardless of medium are not agency records. (This does not include the underlying data which is processed and produced by such software and which may in some instances be stored with the software.) Exceptions to this position are outlined in paragraph (b)(2)(i) of this section.

(1) In some instances, computer software may have to be treated as an agency record and processed under the FOIA. These situations are rare, and shall be treated on a case-by-case basis. Examples of when computer software may have to be treated as an agency record are:

(A) When the data are embedded within the software and cannot be extracted without the software. In this situation, both the data and the software must be reviewed for release or denial under the FOIA.

(B) When the software itself reveals information about organizations, policies, functions, decisions, or procedures of the Agency, such as computer models used to forecast budget outlays, calculate system costs, or optimization models on travel costs.

(3) Anything that is not a tangible or documentary record, such as an individual's memory or oral communication.

¹ Copies may be obtained at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

² See footnote 1 to § 292.3(a)(3).

³ See footnote 1 to § 292.3(a)(3).

(4) Personal notes of an individual not subject to agency creation or retention requirements, created and maintained primarily for the convenience of an agency employee, and not distributed to other agency employees for their official use.

(5) Information stored within a computer for which there is no existing computer program or printout for retrieval of the requested information.

(c) The prior application of FOR OFFICIAL USE ONLY (FOUO) markings is not a conclusive basis for withholding a record that is requested under the FOIA. When such a record is requested, the information in it will be evaluated to determine whether, under current circumstances, FOIA exemptions apply and whether a significant and legitimate Governmental purpose is served by withholding the record or portions of it.

(d) A record must exist and be in the possession or control of the DIA at the time of the request to be considered subject to this regulation. There is no obligation to create, compile, or obtain a record to satisfy an FOIA request.

(e) *Identification of the Record.* (1) Identification of the record desired is the responsibility of the member of the public who requests a record. The requester must provide a description of the desired record that enables the DIA to locate the record with a reasonable amount of effort. The Act does not authorize "fishing expeditions." When the DIA receives a request that does not "reasonably describe" the requested record, it will notify the requester of the deficiency. The deficiency should be highlighted in a distinctive letter, asking the requester to provide the type of information outlined below. This Agency is not obligated to act on the request until the requester responds to the distinctive letter. When practicable, the DIA will offer assistance to the requester in identifying the records sought and in reformulating the request to reduce the burden on the Agency in complying with the Act.

(2) The following guidelines are provided to deal with "fishing expedition" requests and are based on the principle of reasonable effort. Descriptive information about a record may be divided into two broad categories.

(i) Category I is file-related and includes information such as type of record (for example, memorandum), title, index citation, subject area, date the record was created, and originator.

(ii) Category II is event-related and includes the circumstances that resulted in the record being created or the date and circumstances surrounding the event the record covers.

(3) Generally, a record is not reasonably described unless the description contains sufficient Category I information to permit the conduct of an organized, non-random search based on the DIA's filing arrangements and existing retrieval systems, or unless the record contains enough Category II information to permit inference of the Category I elements needed to conduct such a search.

(f) Requests for records may be denied only when the official designated in § 292.8 determines that such denial is authorized by the FOIA.

(g) When an initial request is denied, the requester will be apprised of the following:

(1) The basis for the refusal shall be explained to the requester, in writing, identifying the applicable statutory exemption or exemptions invoked under provisions of this part.

(2) When the final refusal is based in whole or in part on a security classification, the explanation shall include a determination that the record meets the criteria and rationale of the governing Executive Order, and that this determination is based on a declassification review.

(3) The final denial shall include the name and title or position of the official responsible for the denial.

(4) The response shall advise the requester with regard to denied information whether or not any reasonably segregable portions were found.

(5) The response shall advise the requester of the right to appeal within 60 days of the date of the initial denial letter.

(h)(1) Initial availability, releasability, and cost determinations will normally be made within 10 working days of the date on which a written request for an identifiable record is received by the DIA. If, due to unusual circumstances, additional time is needed, a written notification of the delay will be forwarded to the requester within the 10 working day period. This notification will briefly explain the circumstances for the delay and indicate the anticipated date for a substantive response. The period of delay, by law, may not exceed 10 additional working days.

(2) Requests shall be processed in order of receipt. However, this does not preclude DIA from completing action on a request which can easily be answered, regardless of its ranking within the order of receipt. DIA may expedite action on a request regardless of its ranking within the order of receipt upon a showing of exceptional need or urgency.

Exceptional need or urgency is determined at the discretion of DIA.

§ 292.5 How the public submits requests for records.

(a) Requests to obtain copies of records must be made in writing. The requests should contain at least the following information:

(1) Reasonable identification of the desired record as specified in § 292.4(e), including (if known) title or description, date, and the issuing office.

(2) With respect to matters of official records concerning civilian or military personnel, the first name, middle name or initial, surname, date of birth, and social security number of the individual concerned, if known.

(b) Persons desiring records should direct inquiry to: Defense Intelligence Agency, ATTN: DSP-1A (FOIA), Washington, DC 20340-3299.

§ 292.6 FOIA exemptions.

The following type of records may be withheld in whole or in part from public disclosure unless otherwise prescribed by law.

(a) *Exemption (b)(1).* Those properly and currently classified in the interest of national defense or foreign policy, as specifically authorized under the criteria established by Executive Order and implemented by regulations, such as DoD 5200.1-R.⁴ Although material may not be classified at the time of the FOIA request, a classification review may be undertaken to determine whether the information should be classified. The procedures outlined in DIAR 50-2⁵ regarding classification apply. In addition, this exemption shall be invoked when the following situations are apparent:

(1) The fact of the existence or nonexistence of a record would itself reveal classified information. In this situation, DIA shall neither confirm or deny the existence or nonexistence of the record being requested. A "refusal to confirm or deny" response must be used consistently, not only when a record exists, but also when a record does not exist. Otherwise, the pattern of using a "no record" response when a record does not exist, and a "refusal to confirm or deny" when a record does exist will itself disclose national security information.

(2) Information that concerns one or more of the classification categories established by Executive Order and DoD 5200.1-R shall be classified if its

⁴ See footnote 1 to § 292.3(a)(3).

⁵ Forward requests to: Defense Intelligence Agency, ATTN: DSP-1A (FOIA), Washington, DC 20340-3299.

unauthorized disclosure, either by itself or in the context of other information, reasonably could be expected to cause damage to the national security.

(b) *Exemption (b)(2)*. Those containing or constituting rules, regulations, orders, manuals, directives, and instructions relating to the internal personnel rules or practices of the DIA if their release to the public would substantially hinder the effective performance of a significant function of the Department of Defense, and they do not impose requirements directly on the general public. This exemption has two profiles, high (b)(2) and low (b)(2).

(1) Records qualifying under high (b)(2) are those containing or constituting, rules, regulations, orders, manuals, directives, and instructions the release of which would allow circumvention of these records thereby substantially hindering the effective performance of a significant function of the Department of Defense.

(2) Records qualifying under the low (b)(2) profile are those that are trivial and housekeeping in nature for which there is no legitimate public interest or benefit to be gained by release, and it would constitute an administrative burden to process the request in order to disclose the records.

(c) *Exemption (b)(3)*. Those concerning matters that a statute specifically exempts from disclosure by terms that permit no discretion on the issue, or in accordance with criteria established by that statute for withholding or referring to particular types of matters to be withheld.

(d) *Exemption (b)(4)*. (1) Those containing trade secrets or commercial or financial information that the DIA receives from a person or organization outside the Government with the understanding that the information or record will be retained on a privileged or confidential basis in accordance with the customary handling of such records. Records within the exemption must contain trade secrets or commercial or financial records the disclosure of which is likely to cause substantial harm to the competitive position of the source providing the information, impair the Government's ability to obtain necessary information in the future, or impair some other legitimate Governmental interest.

(2) When a request is received for a record that was obtained or provided by a non-U.S. Government source, the source of the record or information (also known as "the submitter" for matters pertaining to proprietary data) shall be notified promptly of that request and afforded reasonable time (e.g. 30 calendar days) to present any objections

concerning the release, unless it is clear that there can be no valid basis for objection. This practice is required for those FOIA requests for data not deemed clearly exempt from disclosure under Exemption (b)(4). For further guidance, see DoD 5400.7-R, paragraph 5-207.

(e) *Exemption (b)(5)*. Those concerning internal advice, recommendations, and subjective evaluations, as contrasted with factual matters, that are reflected in records pertaining to the decision-making process of an agency, whether within or among agencies or within or among DoD components. Also exempted are records pertaining to the attorney-client privilege and the attorney work-product privilege.

(f) *Exemption (b)(6)*. Information in personnel and medical files, as well as similar personal information in other files, that, if disclosed to the requester, would result in a clearly unwarranted invasion of personal privacy. Release of information about an individual contained in a Privacy Act system of records that would constitute a clearly unwarranted invasion of privacy is prohibited, and could subject the releaser to civil and criminal penalties.

(g) *Exemption (b)(7)*. Records or information compiled for the purpose of enforcing civil, criminal, or military law, including the implementation of Executive Orders or regulations issued pursuant to law, but only to the extent that the production of such law enforcement records or information

(1) Could reasonably be expected to interfere with enforcement proceedings.

(2) Would deprive a person of a right to a fair trial or an impartial adjudication.

(3) Could constitute an unwarranted invasion of the personal privacy of others (also see DoD 5400.7-R, paragraph 3-200, Number 7 a. 3. (a)-(c)).

(4) Could disclose the identity of a confidential source.

(5) Would disclose investigative techniques and procedures, or

(6) Could endanger the life or physical safety of law enforcement personnel. This exemption may be invoked to prevent disclosure of documents not originally created for, but later gathered for, law enforcement purposes.

§ 292.7 Filing an appeal for refusal to make records available.

(a) A requester may appeal an initial decision to withhold a record. Further, if a requester determines a "no record" response in answer to a request to be adverse, this determination may also be appealed. Appeals should be addressed to: Defense Intelligence Agency, ATTN:

DSP-1A (FOIA), Washington, DC 20340-3299.

(b) The requester shall be advised that the appellate authority must receive an appeal no later than 60 calendar days after the date of the initial denial letter.

(c) Final determination on appeals normally will be made within 20 working days of receipt of the appeal at the above address. If additional time is needed to decide the appeal because of unusual circumstances, the final determination may be delayed for the number of working days, not to exceed 10, which were not utilized as additional time for responding to the initial request. Appeals shall be processed in order of receipt. However, this does not preclude DIA from completing action on an appeal request which can easily be answered, regardless of its ranking within the order of receipt. DIA may expedite action on an appeal request regardless of its ranking within the order of receipt upon a showing of exceptional need or urgency. Exceptional need or urgency is determined at the discretion of DIA.

(d) When an appeal is denied, the requester will be apprised of the following:

(1) The basis for the refusal shall be explained to the requester, in writing, identifying the applicable statutory exemption or exemptions invoked under provisions of this part.

(2) When the final refusal is based in whole or in part on a security classification, the explanation shall include a determination that the record meets the criteria and rationale of the governing Executive Order, and that this determination is based on a declassification review.

(3) The final denial shall include the name and title or position of the official responsible for the denial.

(4) The response shall advise the requester with regard to denied information whether or not any reasonably segregable portions were found.

(5) The response shall advise the requester of the right to judicial review.

§ 292.8 Responsibilities.

When a request for information or records is received, the following will apply:

(a) *DSP-1A*. (1) Receives requests and assigns tasking.

(2) Maintains appropriate suspenses and authorizes all extensions of response time.

(3) Acts as the responsible operating office for all Agency actions related to the FOIA.

(4) Drafts and transmits responses on:

- (i) The release of records and/or information.
- (ii) Obtaining supplemental information from the requester.
- (iii) Informing the requester of any fees required.
- (iv) The transfer to another element or agency of the initial request.
- (5) Fulfills the annual reporting requirement and maintains appropriate records.

(6) Acts as the responsible official for all initial denials of access to the public.

(b) All DIA elements:

(1) When identified by DSP-1A as the Office of Primary Responsibility (OPR) will:

- (i) Search files for any relevant records, and/or
- (ii) Review records for possible public release within the time constraints assigned, and
- (iii) Prepare a documented response in any case of nonrelease.

(2) All employees are required to read this part to ensure familiarity with the requirements of the FOIA as implemented.

(c) *The General Counsel.* (1) Ensures uniformity in the FOIA legal positions within the DIA and with the Department of Defense.

(2) Secures coordination when necessary with the General Counsel, DoD, on denials of public requests.

(3) Acts as the focal point in all judicial actions.

(4) Reviews all final denials.

(d) The Director, and on his behalf, the Chief of Staff:

(1) Exercises overall staff supervision of the FOIA activities of the Agency.

(2) Acts as the responsible official for all denials of appeals.

Appendix A to Part 292—Uniform Agency Fees for Search and Duplication Under the Freedom of Information Act (as Amended)

Search + Review (only in the case of commercial requesters):

a. Manual search or review—

| Type | Grade | Hourly rate |
|-------------------|-----------------------------|-------------|
| Clerical..... | E9/GG-08 and below..... | \$12.00 |
| Professional..... | 01-06/GG-09-GG-15..... | 25.00 |
| Executive..... | 07/GG-16/ES1 and above..... | 45.00 |

b. Computer search is based on direct cost of the central processing unit, input-output devices, and memory capacity of the actual computer configuration. The salary scale (equating to paragraph a. above) for the computer/operator/programmer determining how to conduct and subsequently executing

the search will be recorded as part of the computer search.

c. Actual time spent traveling to a search site, conducting the search and return may be charged as FOIA search costs.

General

Pre-Printed material, per printed page..... 02

Office copy, per page..... 15

Microfiche, per page..... 25

Aerial Photography Reproduction

Per Print..... \$2.50

d. See Chapter VI of DoD 5400.7-R for further guidance on fees.

Dated: August 20, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-20288 Filed 8-26-92; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR 117

[CGD2-92-12]

Drawbridge Operation Regulations; Mississippi River, Illinois and Iowa

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation.

SUMMARY: Notice is hereby given that the Coast Guard has approved a request from the Department of the Army, Rock Island Arsenal, to temporarily deviate from the opening requirements governing the Rock Island Railroad and Highway Drawbridge at Mile 482.9 Upper Mississippi River.

DATES: Drawspan will be secured in the closed to navigation position, Monday through Friday, from 6:30 a.m. to 7:55 a.m. and from 3:10 p.m. to 4:40 p.m., August 3 through August 26, 1992. Drawspan will open on signal at all other times.

FOR FURTHER INFORMATION CONTACT:

Roger K. Wiebusch, Bridge Administrator, Second Coast Guard District, 314-539-3724.

SUPPLEMENTARY INFORMATION: The Rock Island Railroad and Highway Drawbridge spans the Mississippi River between Davenport, Iowa and the Rock Island Arsenal, Rock Island, Illinois. The Arsenal is located on an island in the river adjacent to the city of Rock Island on the Illinois bank. There are three bridges which provide means of ingress and egress to the Arsenal; the Rock Island Viaduct, the drawbridge, and the Moline Bridge. Of the three, only the

drawbridge provides direct access to the Arsenal from the State of Iowa.

The Rock Island Viaduct is presently undergoing major rehabilitation and is closed to vehicular traffic. The Moline Bridge is the only means of access to the Island from Illinois. To facilitate the arrival/departure of Arsenal employees, the Moline Bridge is designated for one-way traffic during peak traffic hours, and the drawspan of the Rock Island Railroad and Highway Drawbridge is secured in the closed to navigation position, except for emergencies, from 6:30 a.m. to 7:55 a.m., and from 3:10 p.m. to 4:40 p.m., Monday through Friday, from August 3 through August 26, 1992.

Additional information may be obtained from Roger K. Wiebusch, Bridge Administrator, Second Coast Guard District, Room 2.207b, 1222 Spruce Street, St. Louis, MO 63103-2832, telephone 314-539-3724.

Dated: 10 August 1992.

James J. Lantry,

Capt., U.S. Coast Guard, Commander, Second Coast Guard District, Acting.

[FR Doc. 92-20465 Filed 8-26-92; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 433

[MB-35-F]

RIN: 0938-AE36

Medicaid Program; Medicaid Management Information System (MMIS) Performance Review; Notification Procedures for Changes in Requirements, Performance Standards, and Reapproval Conditions

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule.

SUMMARY: This rule eliminates the requirement in the Medicaid regulations that HCFA meet certain Federal Register notification requirements for any changes in performance standards and other conditions for reapproval of State Medicaid Management Information Systems (MMISs), even if such Federal Register notice would not otherwise be required. An independent Federal Register publication requirement will remain in place with respect to changes in system requirements and other conditions for approval of MMISs. We believe that a revised process for notifying States and other concerned

parties of changes in performance standards and other conditions of reapproval is appropriate and will facilitate the efficient issuance of revised MMIS review requirements and methodologies each year.

EFFECTIVE DATE: This final rule is effective October 26, 1992.

FOR FURTHER INFORMATION CONTACT: Rick Friedman, (301) 966-3292.

SUPPLEMENTARY INFORMATION:

I. Background

Under the authority of section 1903(a)(3) of the Social Security Act (the Act), HCFA requires most States with a Medicaid program to operate an approved mechanized claims processing and information retrieval system. The mechanized claims processing and information retrieval system (referred to as the Medicaid Management Information System (MMIS)) is a system of software and hardware used to process Medicaid claims, and to retrieve and produce utilization data and management information about Medicaid recipients and services. These data and information are required by the Medicaid agency and by the Federal Government for administrative and audit purposes.

Federal financial participation (FFP) is available at the 75 percent rate for operation of an approved MMIS. Section 1903(r)(4)(A) of the Act requires reviews of each MMIS at least once every 3 years to determine whether it meets performance standards, system requirements, and other conditions and continues to qualify for FFP. Other limited or full reviews also may be conducted. Sections 1903(r)(1)(C) and 1903(r)(4)(B) of the Act require reductions in FFP otherwise due a State under section 1903(a) if a State fails to meet certain deadlines for operating the system or if the system fails to meet certain conditions for approval or reapproval.

On June 30, 1981, we published in the *Federal Register* (46 FR 33653) a notice containing the initial performance standards and "elements" that would be used to evaluate State MMISs. In that notice, we indicated that the standards and elements would be published in the *Federal Register* but copies of the detailed supporting procedures concerning the application of these standards and elements (sampling, scoring, evaluation methodologies, etc.) would be issued timely to all MMIS States. We provide these detailed instructions and supporting procedures, including the sampling, scoring, and evaluation methodologies that will be used to review each State's MMIS. They

are included as part of the System Performance Review (SPR) Guide which is issued to every State by June 30 of each year preceding the review period that begins October 1.

Section 1903(r)(6)(F) of the Act requires HCFA to periodically update the performance standards, systems requirements, review criteria, and other requirements, when appropriate, that are used in conducting reviews for reapproval of the MMIS. While the performance standards and elements for reapproval of MMISs remained mostly unchanged ("elements" were eliminated, in accordance with *Federal Register* notice and comment procedures, on September 5, 1990 (55 FR 36319)), the supporting procedures described earlier generally have been updated from year to year.

Although not required by statute, in July 1985 (50 FR 30838), we promulgated a regulation at § 433.123 which requires publication of a *Federal Register* notice describing proposed revisions to system requirements, performance standards, and other conditions for approval or reapproval without regard to whether such *Federal Register* publication is required under the Administrative Procedure Act. In that regulation, we specified that we would issue a subsequent notice responding to public comments on revisions making substantive changes and issue the new or modified performance standards or conditions for reapproval in the State Medicaid Manual. Section 433.123(b) specifies that we will allow a reasonable period of time before the applicable review period for States to meet changes in systems requirements and conditions for approval. Section 433.123(c) specifies that we will notify Medicaid agencies at least one calendar quarter before the applicable review period for new or modified standards or conditions of reapproval.

In accordance with § 433.123, we have published changes in the performance standards and elements in the *Federal Register*, but we have not published all methods of evaluation and supporting procedures. As we indicated earlier, we have issued annually the detailed instructions, methods of evaluation, and supporting procedures for conducting MMIS reviews for reapprovals as part of the SPR Guide. (For informational purposes, we repeat the standards in the guide.)

II. State Involvement in Developing Updated Measures

Section 1903(r)(6)(E) of the Act requires us to notify all States of any revision in procedures, standards, and other requirements at least one quarter

before they are to be used for conducting reviews for MMIS reapprovals. It does not mandate the form or the content of the notification. Since 1981, we have developed acceptable performance levels and specific methodologies for conducting reviews and evaluating State MMIS operations each fiscal year and issued them in the SPR Guide after consultation with and opportunity to comment by State representatives through established HCFA administrative procedures. We have involved State representatives in this development, including the Systems Technical Advisory Group (S-TAG). The S-TAG is a component of the State Medicaid Directors Association (SMDA). The SMDA is an organization affiliated with the American Public Welfare Association (APWA). The existing S-TAG consists of seven State representatives and a representative from the APWA who provide technical assistance to HCFA on the systems operations of the Medicaid program, especially the MMIS.

HCFA holds meetings or teleconferences, or both, with the S-TAG to obtain their advice on proposed changes to the existing procedures and conditions of reapproval in the SPR Guide. In addition, HCFA frequently sends copies of the draft SPR Guide to State representatives and the S-TAG for further comment and input. This is done before the final distribution of the guide on or before June 30 preceding each fiscal year review period that begins on October 1. HCFA central office staff monitors this program and coordinates the changes from the States. As a result of this administrative process, the final SPR Guide that HCFA issues each year incorporates the States' input and addresses their concerns.

Based on our past experience, we believe that the opportunity offered to State representatives by this administrative process to make recommendations and changes concerning the SPR requirements and to comment on specific proposals has proven to be an effective, efficient, and expeditious process in view of the frequency (at least once a year) with which we update and reissue the SPR Guide. We believe that this process of distributing the SPR Guide to all States by June 30 of each year preceding the review period that begins October 1 meets the requirements of section 1903(r)(6)(E) of the Act for notice to States.

III. Notice Changes

Since the inception of the MMIS program, HCFA has published in the

Federal Register only one set of standards for reviewing the performance of the States' MMISs for reapprovals. In the June 30, 1981 notice cited earlier, standards and elements were specified; factors were included for illustrative purposes only. In the September 5, 1990, Federal Register final notice cited earlier, we revised the performance standards, procedures, and methodologies published in the June 1981 notice. We made these changes because, based on our experience, the prior SPR Guide had a number of shortcomings. In some instances, specific activities we wanted to measure as indicative of the performance of the MMIS could not be logically classified under the standards or elements as they were formatted, or could arguably be placed under more than one of the standards and elements. In other instances, we felt it inappropriate to review activities under a particular standard or elements because shifting program emphasis indicated that priorities be placed in other areas.

On the basis of our experience in overseeing the administration of the MMIS and conducting the required performance reviews since 1981, we have concluded that the independent Federal Register notice requirements of § 433.123 concerning the performance standards and conditions of reapproval are constrictive, inflexible, and unnecessary. We have in place the previously discussed flexible and efficient procedures for making changes to the factors, methods of evaluation, and supporting materials, which provide ample notice to the States, allow for appropriate input by the States, and conform with provisions of the Act.

Publication of revisions in the Federal Register generally requires a minimum lead time of 18 to 24 months. This lead time takes into account the approximate time for developing and clearing appropriate changes within HCFA and the Department, the process of publishing a proposed notice, a period of time for public comments, and issuance of a subsequent notice. As a result, we believe that the assessment data gathered from the reviews conducted under this lengthy publication process of changes would no longer be timely or relevant to current MMIS concerns.

We also believe that our notification process, through issuance of the SPR Guide following consultation and cooperative development with the States and the S-TAG, satisfies the requirement for appropriate notice in section 1903(r)(6)(E) of the Act. That requirement concerns timely notification to the States on the changes to the

performance standards and other conditions used for the reapproval of State MMISs.

As indicated earlier, we obtain input from State representatives and respond to their comments. In addition, the advance release time of the SPR Guide (at least one quarter before the date that it will be used for reapproval reviews) meets the notification period required in the Act. All of the standards, factors, methods of evaluation, and scoring and sampling methodologies are included in the guide which is issued to the States 3 months before the affected review period (by June 30 before the October 1 implementation date). Therefore, we have concluded that publication of a notice of proposed changes, a final notice addressing public comments in the Federal Register, and a subsequent issuance in the State Medicaid Manual as a prerequisite for issuing final changes on all conditions for reapproval are not the most appropriate, efficient mechanisms for notifying MMIS States of proposed changes and allowing them opportunity for comment. The SPR Guide is a more expeditious means of providing States with notice of changes and opportunity for comment where Federal Register notice and comment is not required by the Administrative Procedure Act.

IV. Issuance of Notice of Proposed Rulemaking

On June 28, 1991, we issued a notice of proposed rulemaking (NPRM) in the Federal Register (56 FR 29612) in which we proposed to delete those provisions of § 433.123 which specify that notification of changes concerning performance standards or other conditions of reapproval must take place through publication of a proposed notice, a subsequent notice addressing public comments in the Federal Register, and publication in the State Medicaid Manual. In place of that language, we proposed to revise § 433.123 to reflect the notice requirements in section 1903(r)(6)(E) of the Act; that is, we will notify Medicaid agencies directly at least one calendar quarter before the review period to which the new or modified performance standards or other conditions of reapproval apply. As a result, we will be able to develop or modify the reapproval requirements more effectively. We also will be able to conduct system performance reviews of MMISs under a performance review mechanism that is more timely, easier to work with, and more reflective of the current concerns in MMIS State operations, with more relevant and timely assessment data being derived from the reviews as well.

In response to the June 28, 1991 NPRM, we received comments timely from two States. A summary of the comments and the Department's responses follow:

Comment: One commenter was critical of our discussion in the preamble of the NPRM which indicated that States have sufficient input through current HCFA processes to support elimination of the existing Federal Register notice publication requirements. The commenter felt that the S-TAG, upon which we indicated that we depend partially for input on MMIS matters from States, was only an ad hoc group with the purpose of providing informal guidance to HCFA staff prior to publication of the SPR requirements, and that the group has never been recognized as a replacement for State MMIS staff comments. The commenter concluded that the Federal Register publication requirements should continue as they now exist.

Response: We disagree with the commenter's reference to the S-TAG as an ad hoc group. The S-TAG is not a component with a singular mission, but is a group that provides technical assistance to HCFA on many facets of systems operations within the Medicaid program, especially the MMIS area. We view the input received from the S-TAG as technical advice, not merely informal guidance as suggested by the commenter. All S-TAG comments are given careful consideration and many are accepted for use in the SPR Guide.

We agree that the S-TAG was never intended to be a replacement for State MMIS staff comments, but we regard S-TAG's comments as an important part of States' input.

Our notification process through issuance of the SPR guide follows consultation and cooperative development not only with the S-TAG, but also with representative MMIS State staff. Both the S-TAG and the States which are subject to the SPR review are frequently sent copies of the draft SPR Guide for their respective input. This is done before the final distribution of the guide on or before June 30 preceding each fiscal year review period that begins on October 1. We monitor this process and coordinate the comments and concerns from both the S-TAG and State representatives.

Additionally, all MMIS States will continue to receive the finalized SPR requirements at least one quarter prior to the quarter they are to become effective. This has been the case since the inception of the program in 1981. Therefore, we believe that all involved State MMIS staff will continue to have

sufficient opportunity and appropriate time to comment under the revised SPR notice requirements.

Comment: One commenter suggested forming a coordinating group composed of members chosen by each State Medicaid Director for the purpose of reviewing and commenting on the SPR/MMIS regulations and issues. The commenter added that a Bulletin Board System could be used on which to comment and exchange ideas. If needed, the commenter suggested that HCFA prepare a new regulation which recognizes and establishes the purpose of this group.

Response: We agree with the commenter's suggestion on the proposed use of a Bulletin Board System on which comments and the exchange of ideas could be made among the MMIS States, the S-TAG, and HCFA. We established such a bulletin board in October 1991. Shortly thereafter, we notified all State Medicaid Directors of this action. We continue to invite comments from any interested source on ways the system can best be used.

We disagree with the commenter's suggestion for having another group (that is, a coordinating group) set up for a purpose that has been amply fulfilled by the S-TAG and representative State MMIS staff. It would be redundant to establish the type of group proposed, as not only the MMIS State representatives but the S-TAG have had the opportunity, past and present, to timely review and comment on changes to the SPR/MMIS regulations, requirements, and issues prior to their implementation. This policy will continue in the future.

Comment: One commenter agreed that notice of changes in the *Federal Register* is not required, and that opportunity to comment on proposed changes through contact with the S-TAG appears to be sufficient. However, the commenter requested that when future versions of the SPR requirements are issued in the SPR Guide, HCFA should include some usable identification of any addition, change, or deletion from the previous year. Suggested identifiers included a separate list of specifics and the use of underlining or brackets.

Response: We agree with the commenter's suggestion to identify changes in the SPR requirements. Beginning with the next SPR Guide that is issued after the publication of this final rule, we will provide identifiers such as those suggested by the commenter to highlight any changes from the preceding year.

V. Provisions of the Final Regulations

We are adopting as final, without modifications, the changes to § 433.123 as proposed on June 28, 1991.

VI. Paperwork Burden

Section 433.123 does not contain information collection requirements that are subject to review by the Office of Management and Budget under the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35).

VII. Regulatory Impact Statement

1. Executive Order 12291

Executive Order 12291 (E.O. 12291) requires us to prepare and publish a regulatory impact analysis for any final rule that meets one of the E.O. 12291 criteria for a "major rule"; that is, that would be likely to result in—

- An annual effect on the economy of \$100 million or more;
- A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises in domestic or export markets.

This final rule deletes the requirements from § 433.123 of the regulations that we publish the performance standards and other conditions for reapproval of MMISs in the *Federal Register* and in the State Medical Manual. These requirements are not dictated by statute and are considered unnecessary at this time. Under current requirements of the regulations, flexibility and efficiency for making changes are greatly limited. For example, publication of a proposed and final change in the *Federal Register* in accordance with § 433.123 ordinarily requires a minimum lead time of 18 to 24 months.

The objective of this final rule is to increase efficiency in implementing needed changes in MMIS operations and administration by eliminating the need for publication in the *Federal Register* or the State Medicaid Manual as a prerequisite for our making changes to the SPR Guide. States will continue to receive notice and an opportunity to comment. Therefore, any effect on States due to this final regulation will be minimal.

We do not expect this final rule to meet any of the criteria for a major rule under E.O. 12291. Therefore, we are not including an initial regulatory impact analysis.

2. Regulatory Flexibility Act

We generally prepare a regulatory flexibility analysis that is consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612) unless the Secretary certifies that a final regulation will not have a significant economic impact on a substantial number of small entities. For purposes of the RFA, we do not consider States to be small entities.

Also, section 1102(b) of the Social Security Act requires the Secretary to prepare a regulatory impact analysis if a final regulation may have a significant impact on the operation of a substantial number of small rural hospitals. Such an analysis must conform to the provisions of section 603 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital which is located outside of a Metropolitan Statistical Area and has fewer than 50 beds.

Since States are not considered small entities, we have determined, and the Secretary certifies, that this final regulation will not have a significant economic impact on a substantial number of small entities. As discussed above, States will still be given notice and an opportunity to comment on proposed changes. In addition, this final regulation will not have a significant impact on the operations of a substantial number of small rural hospitals. Therefore, we have not prepared analyses for either the RFA or section 1102(b) of the Act.

List of Subjects in 42 CFR Part 433

Administrative practice and procedure, Child support, Claims, Grant programs—health, Medicaid, Reporting and recordkeeping requirements.

42 CFR part 433 is amended as follows:

PART 433—STATE FISCAL ADMINISTRATION

1. The authority citation for part 433 continues to read as follows:

Authority: Secs. 1102, 1137, 1902(a)(4), 1902(a)(25), 1902(a)(45), 1903(a)(3), 1903(d)(2), 1903(d)(5), 1903(o), 1903(p), 1903(r), and 1912 of the Social Security Act; 42 U.S.C. 1302, 1320b-7, 1396(a)(4), 1396(a)(25), 1396a(a)(45), 1396b(a)(3), 1396b(d)(2), 1396b(d)(5), 1396b(o), 1396b(p), 1396b(r), and 1396k, unless otherwise noted.

2. Section 433.123 is revised to read as follows:

§ 433.123 Notification of changes in system requirements, performance standards or other conditions for approval or reapproval.

(a) Whenever HCFA modifies system requirements or other conditions for approval under § 433.112 or § 433.116, HCFA will—

(1) Publish a notice in the Federal Register making available the proposed changes for public comment;

(2) Respond in a subsequent Federal Register notice to comments received; and

(3) Issue the new or modified requirements or conditions in the State Medicaid Manual.

(b) For changes in system requirements or other conditions for approval, HCFA will allow an appropriate period for Medicaid agencies to meet the requirement determining this period on the basis of the requirement's complexity and other relevant factors.

(c) Whenever HCFA modifies performance standards and other conditions for reapproval under § 433.119, HCFA will notify Medicaid agencies at least one calendar quarter before the review period to which the new or modified standards or conditions apply.

(Catalog of Federal Domestic Assistance Program No. 93.778—Medical Assistance Programs)

Dated: January 20, 1992.

Gail R. Wilensky,

Administrator, Health Care Financing Administration.

Approved: May 5, 1992.

Louis W. Sullivan,

Secretary.

[FR Doc. 92-20523 Filed 8-26-92; 8:45 am]

BILLING CODE 4120-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6942

[AK-932-4214-10; F-019801]

Partial Revocation of Public Land Order No. 547 and Public Land Order No. 5187; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes two public land orders insofar as they affect approximately 1.98 acres of public land withdrawn for use by the military, and for classification and protection of the public interest at Clear Air Force Station, Alaska. The land is no longer needed for the purposes for which it was withdrawn. The land is not available for State selection as it does not meet the criteria of "vacant, unappropriated, and unreserved." The land has been determined to be excess property available for disposal according to provisions of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471, et seq.), and applicable regulations, and will be administered or disposed of under regulations of the General Services Administration. This action is for record-clearing purposes only.

EFFECTIVE DATE: August 27, 1992.

FOR FURTHER INFORMATION CONTACT:

Sandra C. Thomas, BLM Alaska State Office, 222 W. 7th Avenue, No. 13, Anchorage, Alaska 99513-7599, 907-271-5477.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714

(1988), and by section 22(h)(4) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1621(h)(4) (1988), it is ordered as follows:

1. Public Land Order No. 547, which withdrew public land for use by the military, and Public Land Order No. 5187, which withdrew public land for classification and for protection of the public interest, are hereby revoked insofar as they affect the following described land:

Fairbanks Meridian

T. 7 S., R. 8 W. (Partly Surveyed);

Beginning at the common corner of secs. 15, 16, 21, and 22, thence east 660 feet, thence south 1,470 feet, thence N. 56°47'12" W., approximately 20 feet to corner No. 1 on the centerline of the Anderson Road, the point of beginning.

From corner No. 1, by metes and bounds, S. 56°47'12" E., 330 feet to corner No. 2 at the southwest corner of the off-loading area of the Anderson Airport, from which the southwest corner of a 28'x112' terminal building bears northerly approximately 115 feet;

N. 33°12'48" E., 260 feet on common boundary with the off-loading area to corner No. 3; N. 56°47'12" W., 331 feet to corner No. 4 on the centerline of the Anderson Road;

S. 30°01'16" W., 261 feet to corner No. 1, the point of beginning. The area described contains approximately 1.98 acres.

Dated: August 1, 1992.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 92-20539 Filed 8-26-92; 8:45 am]

BILLING CODE 4310-JA-M

Proposed Rules

Federal Register

Vol. 57, No. 167

Thursday, August 27, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 401

[Amendment No. 72; Doc. No. 0399s]

General Crop Insurance Regulations; Rice Endorsement

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby proposes to amend the General Crop Insurance Regulations, effective for the 1993 and succeeding crop years, by adding new definitions for "planted," "controlled flood," "aerial seeding," and "broadcast seeding" to the Rice Endorsement. The intended effect of this proposed rule is to eliminate confusion for both insured rice producers and insurance companies, created by the lack of a clear definition of these terms in the rice crop insurance policy, and to remove the possibility of restrictions for non-compliance with the terms of the policy because of misinterpretation.

DATES: Written comments, data, and opinions on this proposed rule must be submitted not later than September 28, 1992, to be sure of consideration.

ADDRESSES: Written comments on this proposed rule should be sent to Peter F. Cole, Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250, telephone (703) 235-1168.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Departmental Regulation 1512-1. This action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under those

procedures. The sunset review date established for these regulations is August 1, 1992.

James E. Cason, Manager, FCIC, (1) has determined that this action is not a major rule as defined by Executive Order 12291 because it will not result in: (a) An annual effect on the economy of \$100 million or more; (b) major increases in costs or prices for consumers, individual industries, Federal, State, or local governments, or a geographical region; of (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) certifies that this action will not increase the Federal paperwork burden for individuals, small businesses, and other persons and will not have a significant economic impact on a substantial number of small entities.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

The Manager, FCIC, has certified to the Office of Management and Budget (OMB) that these proposed regulations meet the applicable standards provided in section 2(a) and 2(b)(2) of Executive Order 12728.

Background

FCIC has received several questions regarding the interpretation of the term "planted" in the Rice Crop Insurance Endorsement. Because of the unique requirements in the planting of rice, FCIC has determined that the term "planted" shall be defined. Requests have also been received from insureds to acknowledge aerial seeding practices.

The Rice Crop Insurance Endorsement, published in the Federal Register on December 1, 1987, at 52 FR 45604, refers to rice planted for harvest as grain. The terms "planted" and "planting" are used throughout the rice policy. There is, however, no definition of the term "planted," nor is there a clarification of the conditions under which planting by aerial seeding is permissible for insurance purposes. An additional definition of the term "broadcast seeding" is also necessary to cover those practicing such method.

It has become clear that the currently accepted interpretation of "planted," as being the proper placement of the seed in the soil, is no longer adequate.

FCIC has determined that a definition of the term "planted" for the rice policy is necessary. Further, definitions of "aerial seeding," "broadcast seeding," and "controlled flood," are necessary to define planting for the rice crop.

Insured producers must be provided with an insurance policy that is clear and easy to understand, and such clarification must be provided as quickly as possible. FCIC administratively determined to accept the definition of the term "planted" as it is outlined in this rule for all 1992 crop year rice insurance policies, and has communicated its intention and instructions to all insured, agents, and reinsured companies.

FCIC herein proposes to amend the Rice Endorsement (7 CFR 401.120), effective for the 1993 and succeeding crop years, to add definitions for the terms "planted," "aerial seeding," "broadcast seeding," and "controlled flood." FCIC is soliciting written public comment on this proposed rule for 30 days following its publication in Federal Register.

All written comments should be sent to Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250. All written comments received pursuant to this proposed rule will be available for public inspection and copying in the Office of the Manager, Federal Crop Insurance Corporation, 21st and L Streets NW., suite 502, Washington, DC 20037, during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 401

Crop insurance, Rice.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to amend the General Crop Insurance Regulations (7 CFR part 401), proposed to be effective for the 1993 and succeeding crop years, in the following instances:

PART 401—[AMENDED]

1. The authority citation for 7 CFR part 401 continues to read as follows:

Authority: 7 U.S.C. 1506, 1516.

2. § 401.120 is amended by revising section 10 of the Rice Crop Insurance Endorsement, to read as follows:

§ 401.120 Rice Endorsement**10. Meaning of Terms:**

(a) *Aerial seeding*—distribution of pre-soaked rice seed onto a prepared seedbed covered by water under controlled flooding conditions by use of an airplane specifically modified for this purpose. The modification must ensure a sufficient distribution of the rice seed in the seed bed to assure a normal crop.

(b) *Broadcast seeding*—distribution of the seed by the use of equipment that mechanically delivers the seed to the prepared soil surface (such as a fan type seeder), and then mechanically incorporating the seed into the soil at the proper depth; provided that such practice is considered to be a recognized good planting practice for the unit involved.

(c) *Controlled flood*—intentional covering of the prepared seedbed with water that is under the control of the insured, free of movement and is contained by properly constructed levees and gates.

(d) *Harvest*—the completion of combining or threshing of rice on the unit.

(e) *Mill center*—any location in which two or more mills are engaged in milling rough rice.

(f) *Planted*—the proper placement of the seed in a prepared seedbed by use of a drill, broadcasting, or by aerial seeding. Drill seeding, and broadcast seeding other than aerial seeding, requires mechanical incorporation of seed into the soil at the proper depth. Aerial seeding pre-soaked seed onto the seedbed will be considered planted if a controlled flood of the seedbed exists at the time of planting and a uniform distribution of seed exists after removal of flood water. Planting in any other manner will be considered as a failure to follow recognized good farming practices for rice and any loss of production resulting will not be insured under the policy.

(g) *Replanting*—the performing of cultural practices necessary to replant insured acreage to rice.

(h) *Second crop rice*—regrowth of a stand of rice originating from the initially insured rice crop following harvest and which can be harvested in the same crop year.

Done in Washington, DC on July 6, 1992.

David S. Bracht,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 92-20514 Filed 8-26-92; 8:45 am]

BILLING CODE 3410-08-M

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 92-NM-91-AD]

Airworthiness Directives; Boeing Model 737-100, -200, -300, and -400 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 737-100, -200, -300, and -400 series airplanes. This proposal would require replacement of plastic flight control cable guards with aluminum cable guards; relocation of previously-installed cable guards; and verification that grommets are properly installed. This proposal is prompted by a report of locked elevator controls and horizontal stabilizer trim caused by cable guards that had melted onto the control cables. The actions specified by the proposed AD are intended to prevent the loss of primary and secondary pitch control.

DATES: Comments must be received by October 13, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-91-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Transport

Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT:

Mr. Thomas Rodriguez, Aerospace Engineer, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2779; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION:**Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-91-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-91-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

There has been a report of locked elevator controls and horizontal stabilizer trim on a Boeing Model 737 series airplane. Hot air was released when a clamp that was used to connect an auxiliary power unit duct to the power unit fell off or broke. The hot air

melted the plastic elevator and horizontal stabilizer trim cable guards onto the cables, thus restricting cable movement and locking the elevator control and horizontal stabilizer trim. In addition, a cable guard that had been installed in accordance with Boeing Alert Service Bulletin 737-27A1164, dated September 13, 1990, was found to be incorrectly located. This condition, if not corrected, could result in the loss of primary and secondary pitch control.

The FAA has reviewed and approved Boeing Alert Service Bulletin 737-27A1164, Revision 1, dated November 14, 1991, that describes procedures for replacement of plastic flight control cable guards with aluminum cable guards and relocation of previously-installed cable guards. It also describes procedures to verify that grommets on the guards are properly installed in order to prevent the guards from turning.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require replacement of plastic flight control cable guards with aluminum cable guards, relocation of previously-installed cable guards, and verification that grommets are properly installed. The actions would be required to be accomplished in accordance with the service bulletin described previously.

There are approximately 1,851 Boeing Model 737 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 636 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 21 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$55 per work hour. Required parts would cost approximately \$1,753 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$1,849,488, or \$2,908 per airplane. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive

Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 92-NM-91-AD.

Applicability: Model 737-100, -200, -300, and -400 series airplanes, through line number 1869; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent the loss of primary and secondary pitch control, accomplish the following:

(a) Within 18 months after the effective date of this AD, replace plastic flight control cable guards with aluminum cable guards, in accordance with Boeing Alert Service Bulletin 737-27A1164, Revision 1, dated November 14, 1991.

(b) Within 18 months after the effective date of this AD, remove any previously-installed aluminum cable guards located at right buttock line (RBL) 6.60, between body stations (BS) 947.5 and 967, and relocate the aluminum cable guards to RBL 14.75, between BS 947.5 and 967; and verify that grommets are properly installed at all locations; in accordance with Boeing Alert Service Bulletin 737-27A1164, Revision 1, dated November 14, 1991.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance

Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on August 12, 1992.

Bill R. Boxwell,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-20576 Filed 8-26-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 91-NM-65-AD]

Airworthiness Directives; Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), applicable to all Boeing Model 727 series airplanes, that would have required inspection of certain fuselage frames for cracks, and repair, if necessary. That proposal was prompted by reports of cracked frames. This action revises the proposed rule by adding an inspection of an additional fuselage frame for cracks, and repair, if necessary; and by adding a requirement to perform a one-time visual inspection at certain body stations to detect open pilot holes, and repair, if necessary. This action would also add optional modifications to the frames at certain body stations, which, if accomplished, would terminate certain inspection requirements. The actions specified by this proposed AD are intended to prevent frame failures and consequent rapid decompression of the cabin.

DATES: Comments must be received by September 23, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 91-NM-65-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Satish Pahuja, Aerospace Engineer, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2781; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 91-NM-65-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 91-NM-65-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations to add an airworthiness directive (AD), applicable to all Boeing Model 727 series airplanes,

was published as a notice of proposed rulemaking (NPRM) in the Federal Register on April 24, 1991 (56 FR 18781). That NPRM would have required inspection of certain fuselage frames for cracks, and repair, if necessary. That NPRM was prompted by reports of cracked frames. That condition, if not corrected, could result in frame failures and consequent rapid decompression of the cabin.

Since the issuance of that NPRM, there have been eight reports of open pilot holes found in the inboard flange and strap of the frames at Body Stations (BS) 760.95 and 783.95. Consequently, Boeing has issued Revision 1 to Service Bulletin 727-53-0197, dated April 9, 1992, which:

(1) Describes procedures to perform a one-time visual inspection of the inner flange of the frames and the strap on the inner flange at Body Stations (BS) 760.95 and 783.95 to detect open pilot holes, and repair, if necessary;

(2) Adds procedures to perform an eddy current inspection of the fastener holes and a close visual inspection of the frame flange and web to detect cracks at BS 825.95 for certain airplane groups;

(3) Adds procedures to perform preventive modifications to the frames at BS 760.95, 783.95, and 848.95, which involves cold working certain fastener holes and installing new straps, fillers, and repair angles; these modifications serve as terminating action for the inspections of these areas; and

(4) Rearranges the list of affected airplanes into five groups. Groups 1 and 2 airplanes are Model 727-100 series airplanes; Groups 3, 4, and 5 airplanes are Model 727-200 series airplanes.

The FAA has reviewed and approved this latest service bulletin revision and has determined that, in order to adequately address the unsafe condition identified as frame failures and consequent rapid decompression of the cabin, the proposed rule must be revised to add the new inspection requirements and the optional terminating modifications described previously. The NPRM is also revised to cite the latest revision of the service bulletin as the appropriate source of service information.

Since these changes expand the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

The proposed rule has also been revised based on comments submitted by the public in response to the NPRM:

In one comment to the NPRM, Boeing requests that the inspections for frame

cracks at BS 848.95 be applicable only to Model 727-100 series airplanes, as described in the latest service bulletin revision. The commenter explains that the BS 848.95 frame design on Model 727-200 series airplanes is different from that on Model 727-100 series airplanes. The BS 848.95 frame on Model 727-200 series airplanes has a strap that is bonded to the inner flange of the frame and does not have any fasteners. In addition, there have been no reports of cracks at this frame on Model 727-200 series airplanes. The FAA concurs, and has revised the proposed AD accordingly.

Two commenters request that the proposal be revised to include an alternative that permits oversizing the fasteners by 1/32 inch and extending the repetitive inspection interval from 6,000 to 12,000 flight cycles. Although the commenters provide no justification for this request, the FAA recognizes that oversizing the holes would reduce the probability of crack initiation. The FAA's analysis has revealed that the initial inspection threshold can be increased to 12,000 flight cycles without compromising safety if fastener holes were oversized by 1/32 inch. However, subsequent inspection thresholds cannot be increased. The proposal has been revised to include this alternative.

Two commenters request that the FAA allow credit for inspections accomplished within 3,000 flight cycles prior to the effective date of the AD. However, the commenters do not provide specific data concerning the inspection programs performed prior to the effective date of the AD.

These commenters may wish to provide such details to the FAA for consideration prior to the closing date of the comment period for this supplemental notice. In addition, the phrase "unless accomplished previously" will be retained in the rule to provide credit if an operator has accomplished the required actions prior to the effective date of the final rule for this action.

One commenter requests that the FAA clarify whether the cracked frame or the repair must be inspected following the visual and eddy current inspections required by paragraph A.1.b. of the NPRM. Accordingly, the FAA has revised the supplemental notice to specify that, once the repair (referred to as the "applicable preventive modification") is accomplished, no further inspection of the cracked frame is required.

Paragraph (b) of the supplemental notice has been revised to clarify the

procedure for requesting alternative methods of compliance with this AD.

The format of the supplemental notice has been restructured to be consistent with the standard Federal Register style.

The economic analysis paragraph, below, has been revised to increase the specified work hours necessary to accomplish the actions required by this proposed AD from 30 (as was cited in the preamble to the NPRM) to 53. The revised estimate accounts for 23 additional work hours needed to accomplish the additional inspection requirements proposed by this supplemental notice.

There are approximately 1,695 Model 727 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 1,172 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 53 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$3,416,380.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 91-NM-65-AD.

Applicability: All Model 727 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of fuselage frames and depressurization of the airplane, accomplish the following:

(a) Prior to the accumulation of 12,000 flight cycles since manufacture, or within 3,000 flight cycles after the effective date of this AD, whichever occurs later, accomplish paragraphs (a)(1), (a)(2), (a)(3), and (a)(4) of this AD, as applicable, in accordance with Boeing Service Bulletin 727-53-0197, Revision 1, dated April 9, 1992:

(1) For airplanes identified as Group 1 or 2 in the service bulletin: Perform an eddy current inspection of the fastener holes and a close visual inspection of the frame flange and web to detect cracks at body stations (BS) 760.95, 783.95, 825.95, and 848.95 in accordance with Part I of the Accomplishment Instructions of the service bulletin.

(i) If cracks are found, prior to further flight, install the applicable preventive modification in accordance with Part III of the Accomplishment Instructions of the service bulletin. Once this modification is installed, no further eddy current inspections of the fastener holes or close visual inspections of the frame flange and web are required by this AD.

(ii) If no cracks are found, prior to further flight, accomplish one of the following three procedures in accordance with Part I, paragraph E., of the Accomplishment Instructions of the service bulletin:

(A) Oversize the hole by 1/32 inch and install an oversized fastener. Prior to the accumulation of 12,000 flight cycles after oversizing the hole, and thereafter at intervals not to exceed 6,000 flight cycles, continue to accomplish the inspections required by paragraph (a)(1) of this AD. If cracks are found, prior to further flight, install the applicable preventive modification in accordance with Part III of the Accomplishment Instructions of the service bulletin. Accomplishment of the modification constitutes terminating action for the repetitive inspections required by this paragraph.

(B) Install the same size fastener that was removed. Thereafter at intervals not to exceed 6,000 flight cycles, continue to accomplish the inspections required by paragraph (a)(1) of this AD. If cracks are found, prior to further flight, install the applicable preventive modification in accordance with Part IV of the Accomplishment Instructions of the service

bulletin. Accomplishment of the modification constitutes terminating action for the repetitive inspections required by this paragraph.

(C) Install the applicable preventive modification in accordance with Part III of the Accomplishment Instructions of the service bulletin.

(2) For airplanes identified as Group 3, 4, or 5 in the service bulletin: Perform an eddy current inspection of the fastener holes and a close visual inspection of the frame flange and web to detect cracks at body stations (BS) 760.95 and 783.95 in accordance with Part II of the Accomplishment Instructions of the service bulletin.

(i) If cracks are found, prior to further flight, install the applicable preventive modification in accordance with Part IV of the Accomplishment Instructions of the service bulletin. No further eddy current inspections of the fastener holes or close visual inspections of the frame flange and web are required by this AD.

(ii) If no cracks are found, prior to further flight, accomplish one of the following three procedures in accordance with part II, paragraph E. of the Accomplishment Instructions of the service bulletin:

(A) Oversize the hole by 1/32 inch and install an oversized fastener. Prior to the accumulation of 12,000 flight cycles after oversizing the hole, and thereafter at intervals not to exceed 6,000 flight cycles, continue to accomplish the inspections required by paragraph (a)(2) of this AD. If cracks are found, prior to further flight, install the applicable preventive modification in accordance with Part IV of the Accomplishment Instructions of the service bulletin. Accomplishment of the modification constitutes terminating action for the repetitive inspections required by this paragraph.

(B) Install the same size fastener that was removed. Thereafter at intervals not to exceed 6,000 flight cycles, continue to accomplish the inspections required by paragraph (a)(2) of this AD. If cracks are found, prior to further flight, install the applicable preventive modification in accordance with part IV of the Accomplishment Instructions of the service bulletin. Accomplishment of the modification constitutes terminating action for the repetitive inspections required by this paragraph.

(C) Install the applicable preventive modification in accordance with Part IV of the Accomplishment Instructions of the service bulletin.

(3) For airplanes identified as Group 1, 2, 3, or 4 in the service bulletin: Perform a close visual inspection to detect cracks in the frame gussets at BS 825.95 in accordance with part V (for Group 1 and 2 airplanes) or part VI (for Group 3 and 4 airplanes) of the Accomplishment Instructions of the service bulletin. Repeat these inspections thereafter at intervals not to exceed 6,000 flight cycles.

(i) If cracks are found, prior to further flight, replace the gusset in accordance with Figure 10 (for Groups 1 and 2 airplanes) or Figure 11 (for Groups 3 and 4 airplanes) of the service bulletin.

(ii) Replacement of the gusset in accordance with paragraph (a)(3)(i) of this AD constitutes terminating action for the repetitive inspections required by paragraph (a)(3) of this AD.

(4) For airplanes identified as Group 1, 2, 3, 4, or 5 in the service bulletin: Perform a one-time visual inspection of the inner flange of the frames and the strap on the inner flange at BS 760.95 and 783.95 to detect open pilot holes in accordance with Part VII of the Accomplishment Instructions of the service bulletin.

(i) If open pilot holes are found in the shaded area, prior to further flight, plug the holes in accordance with Part VII, paragraph C., of the service bulletin.

(ii) If open pilot holes are found outside the shaded area, prior to further flight, plug the holes in a manner approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on August 7, 1992.

Bill R. Boxwell,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-20577 Filed 8-26-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 92-NM-146-AD]

Airworthiness Directives; Boeing Model 757 and 767 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 757 and 767 series airplanes. This proposal would require examination of the smoke detectors in the cargo compartment and equipment cooling systems to determine if the correct caution decal is installed, and replacement of the caution decal, if necessary. This proposal would also

require inspection for the installation of proper smoke detector lamps. This proposal is prompted by reports of incorrectly installed caution decals on the equipment cooling and cargo compartment smoke detectors. The actions specified by the proposed AD are intended to prevent a reduction in sensitivity of the smoke detector to a level that would make it incapable of detecting smoke.

DATES: Comments must be received by October 19, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-146-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124; or from Autronics Corporation, 314 East Live Oak Avenue, Arcadia, California 91006-5617. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Clayton R. Morris, Aerospace Engineer, ANM-130S, Seattle Aircraft Certification Office, FAA, Transport Airplane Directorate, 1601 Lind Avenue, W., Renton, Washington 98055-4056; telephone (206) 227-2794; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact

concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-146-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-146-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

Several Autronics Model 2156-204A smoke detectors installed on Boeing Model 757 and 767 series airplanes have been found with the incorrect caution decal affixed to the smoke detector cover. The caution decal lists the replacement lamp part number that must be used in the smoke detector. One operator found Model 2156-204A smoke detectors (which use a 14 volt lamp) with the caution decal used on Model 2156-206, 2156-556A, and 2156-556HS smoke detectors (which use a 28 volt lamp). Incorrect caution decals were found on six equipment cooling and cargo compartment smoke detectors. If a 28 volt lamp is installed in a smoke detector that requires a 14 volt lamp, the sensitivity of the smoke detector is reduced. This condition, if not corrected, could prevent the flight crew from taking timely action in the event of a fire in the lower lobe of the airplane.

The FAA has reviewed and approved Boeing Alert Service Bulletin 757-26A0028, Revision 1, dated April 23, 1992; and Boeing Alert Service Bulletin 767-26A0081, dated February 13, 1992; that describe procedures for examining the smoke detectors of the cargo compartment and equipment cooling systems, repairing discrepancies found in the smoke detectors, and conducting a functional test of the smoke detector system, if necessary.

The FAA has also reviewed and approved Autronics Service Bulletin 2156204A-26-02, dated January 17, 1992, that describes procedures for inspecting the smoke detector cover to determine if the correct caution decal is installed, and inspecting smoke detectors found with incorrect caution decals to ensure that proper lamps are installed.

Since an unsafe condition has been identified that is likely to exist or

develop on other products of this same type design, the proposed AD would require examining the smoke detectors in the cargo compartment and equipment cooling systems to determine if the correct caution decal is installed, and replacement of the caution decal, if necessary. In addition, if incorrect caution decals are installed, inspection of smoke detector lamps would be required to determine if the correct lamp is installed, as well as replacement of the lamp, if necessary. The actions would be required to be accomplished in accordance with the service bulletins described previously.

There are approximately 401 Model 757 and 408 Model 767 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 251 Model 757 and 142 Model 767 series airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 3 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$64,845 (\$41,415 for Model 757 series airplanes and \$23,430 for Model 767 series airplanes). This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 92-NM-146-AD.

Applicability: Model 757 series airplanes, as listed in Boeing Alert Service Bulletin 757-26A0028, Revision 1, dated April 23, 1992; and Model 767 series airplanes, as listed in Boeing Alert Service Bulletin 767-26A0081, dated February 13, 1992; certificated in any category.

Compliance: Required as indicated, unless accomplished previously. To prevent reduced sensitivity of the smoke detector, accomplish the following:

(a) Within 24 months after the effective date of this AD, examine the smoke detectors in the cargo compartment and equipment cooling systems to determine if the correct caution decal is installed, in accordance with Autronics Service Bulletin 2156204A-26-02, dated January 17, 1992. If the caution decal is incorrect, prior to further flight, apply a correct caution decal over the existing decal and inspect the lamp inside the smoke detector to determine its part number, in accordance with the Autronics Service Bulletin. If the incorrect lamp is installed, prior to further flight, replace it with one having the correct part number.

Note: Boeing Alert Service Bulletin 757-26A0028, Revision 1, dated April 23, 1992; and Boeing Alert Service Bulletin 767-26A0081, dated February 13, 1992; describe procedures for gaining access to the smoke detectors in the cargo compartment and equipment cooling systems.

(b) If it is necessary to remove any smoke detector during the inspection required by paragraph (a) of this AD, immediately after reinstalling the smoke detector, perform a functional test in accordance with Boeing Alert Service Bulletin 757-26A0028, Revision 1, dated April 23, 1992; or Boeing Alert Service Bulletin 767-26A0081, dated February 13, 1992; as applicable.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on August 18, 1992.

Bill R. Boxwell,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-20578 Filed 8-26-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 92-NM-153-AD]

Airworthiness Directives; British Aerospace Model DH/BH/HS/BAe 125 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all British Aerospace Model DH/BH/HS/BAe 125 series airplanes. This proposal would require installing a placard on the hydraulic box cover, confirming that hydraulic accumulators have been charged with nitrogen; and recharging the accumulators, if necessary. This proposal is prompted by a report indicating that, in the event of hydraulic fluid leaking past the accumulator piston, compression ignition (dieseling) could occur in the accumulators due to an air/hydraulic fluid mixture; this could lead to an explosion. The actions specified by the proposed AD are intended to prevent rupture of the hydraulic accumulator, failure of one or more hydraulic systems, fire in the tailcone area, and possible structural damage to the aft fuselage.

DATES: Comments must be received by October 19, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-153-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from

British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041-0414. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT:

Mr. William Schroeder, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2148; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-153-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-153-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

The United Kingdom Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on all

British Aerospace Model DH/BH/HS/BAe 125 series airplanes. The CAA advises that in the event of hydraulic fluid leaking past the accumulator piston, compression ignition (dieseling) could occur in the accumulators due to an air/hydraulic fluid mixture. Dieseling could lead to an explosion of the air/hydraulic fluid mixture. This condition, if not corrected, could result in rupture of the hydraulic accumulator, failure of one or more hydraulic systems, fire in the tailcone area, and possible structural damage to the aft fuselage.

British Aerospace has issued Service Bulletin 29-89-3269A, dated May 22, 1992, which describes procedures for installing a placard (label) on the hydraulic box cover, confirming that hydraulic accumulators have been charged with nitrogen, and recharging the accumulators, if necessary. The CAA classified this service bulletin as mandatory.

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require installing a placard on the hydraulic box cover, confirming that hydraulic accumulators have been charged with nitrogen; and recharging the accumulators, if necessary. The actions would be required to be accomplished in accordance with the service bulletin described previously.

The FAA estimates that 452 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed actions, and that the average labor rate is \$55 per work hour. The cost for required parts would be minimal. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$24,860. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

The regulations proposed herein would not have substantial direct effects

on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12812, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

British Aerospace: Docket 92-NM-153-AD.

Applicability: All Model DH/BH/HS/BAe 125 series airplanes, excluding Model BAe 125-1000A, certificated in any category.

Compliance: Required as indicated, unless accomplished previously. To prevent rupture of the hydraulic accumulator, failure of one or more hydraulic systems, fire in the tailcone area, and possible structural damage to the aft fuselage, accomplish the following:

(a) Within 6 months after the effective date of this AD, accomplish paragraphs (a)(1) and (a)(2) of this AD, in accordance with British Aerospace Service Bulletin 29-89-3269A, dated May 22, 1992.

(1) Install a placard on the hydraulic box front cover, stating that accumulators must be charged with nitrogen.

(2) Review the airplane maintenance records to confirm that the hydraulic accumulators are charged with nitrogen. If these records do not indicate that the accumulators are charged with nitrogen, prior to further flight, discharge the accumulators and recharge them with nitrogen.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on August 18, 1992.

Bill R. Boxwell,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-20579 Filed 8-26-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 92-NM-99-AD]

Airworthiness Directives; de Havilland, Inc., Model DHC-8-300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the superseding of an existing airworthiness directive (AD), applicable to certain de Havilland, Inc., Model DHC-8-300 series airplanes, that currently requires repetitive external and internal inspections to detect fuel leaks in the wing dry bay. Such leaking, if not corrected, could result in the accumulation of fuel vapors in the dry bay area, presenting a potential risk of an in-flight explosion in the event of a lightning strike. This action would require modification of the wing dry bay which, when accomplished, would constitute terminating action for the requirements of this AD. This action would also add airplanes to the applicability statement of the AD. This proposal is prompted by the development of a modification that eliminates potential sources of

combustible vapors within the wing dry bay.

DATES: Comments must be received by October 13, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-99-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from de Havilland, Inc., Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 181 South Franklin Avenue, Valley Stream, New York.

FOR FURTHER INFORMATION CONTACT: Raymond Reinhardt, Aerospace Engineer, Propulsion Branch, ANE-174, FAA, New York Aircraft Certification Office, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581; telephone (516) 791-7421; fax (516) 791-9024.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to

Docket Number 92-NM-99-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-99-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

On August 28, 1991, the FAA issued AD 91-19-04, Amendment 39-8031 (56 FR 46228, September 11, 1991), to require repetitive external and internal inspections to detect fuel leaks in the wing dry bay. That AD also provides an optional terminating action for the required repetitive inspections. That action was prompted by fuel leaking into the dry bays in board of the wing fuel tanks. Such leaking, if not corrected, could result in the accumulation of fuel vapors in the dry bay area, presenting a potential risk of an in-flight explosion in the event of a lightning strike.

Since the issuance of that AD, de Havilland, Inc., has issued Service Bulletin 8-57-20, Revision A, dated January 31, 1992, that describes procedures for installing a modification of the wing dry bay area by introducing fastener, drain, and venting changes. Accomplishment of this modification would provide lightning strike protection by eliminating potential sources of combustible vapors within the wing dry bay. The service bulletin also identifies additional airplanes that may be subject to the unsafe condition.

In addition, de Havilland, Inc., has issued Revision C to Service Bulletin A8-28-16, dated March 30, 1992, which also adds airplanes to the service bulletin effectivity and identifies the modification discussed previously as terminating action for the inspections specified in the service bulletin.

Transport Canada Aviation (TCA), which is the airworthiness authority for Canada, classified these service bulletins as mandatory and issued Canadian Airworthiness Directive CF-91-15R2 in order to assure the continued airworthiness of these airplanes in Canada.

This airplane model is manufactured in Canada and is type certificated for operation in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, TCA has kept the FAA informed of the situation described above. The FAA has

examined the findings of TCA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 91-19-04 to continue to require repetitive external and internal inspections to detect fuel leaks in the wing dry bay. The proposed AD would also require accomplishment of the improved modification described previously, which, when accomplished, would constitute terminating action for the requirements of this AD. The actions would be required to be accomplished in accordance with the service bulletins described previously. In addition, the proposed AD would also remove the optional terminating action referenced in the existing AD, since that modification does not provide lightning strike protection, which the new modification provides. The proposed AD would also add airplanes to the applicability of the AD.

The FAA estimates that 6 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 136 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$55 per work hour. Required parts would be supplied by the manufacturer at no cost to operators. The FAA has confirmed that all 6 airplanes of U.S. registry have been modified with the terminating modification specified in paragraph (d) of this proposal. Based on this information, the proposed AD would impose no cost impact on U.S. operators.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the

criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-8031 (56 FR 46228, September 11, 1991), and by adding a new airworthiness directive (AD), to read as follows:

De Havilland, Inc.: Docket 92-NM-99-AD. Supersedes AD 91-19-04, Amendment 39-8031.

Applicability: Model DHC-8-300 series airplanes; serial numbers 202, 210, 216, 221, 224, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 257, 259, 261, 262, 264, 266, 267, 269, 271, 272, 274, 276, 278, 279, 281, 283, 284, 286, 288, and 307; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent the accumulation of fuel vapors in the dry bay area, presenting a potential risk of an in-flight explosion in the event of a lightning strike, accomplish the following:

(a) For those airplanes listed in de Havilland Alert Service Bulletin A8-28-16, dated May 30, 1991, accomplish the following:

(1) Within 24 hours after August 26, 1991 (the effective date of AD 91-12-51, Amendment 39-7076), and thereafter at intervals not to exceed 300 hours time-in-service or 30 days, whichever occurs first, perform an external visual inspection of the wing dry bay drains for blockage in accordance with the service bulletin. If drain blockage is found, prior to further flight, repair in accordance with paragraph B.1. of the Accomplishment Instructions of the service bulletin.

(2) Within 24 hours after August 26, 1991, and thereafter at daily intervals, perform an external visual inspection of the wing dry bay drains to detect evidence of fuel leaks in accordance with the service bulletin.

(3) Within 7 days after August 26, 1991, unless accomplished within the previous 14 days; or prior to further flight if evidence of fuel leaks is detected at the wing dry bay

drains as a result of the inspection required by paragraph (a)(2) of this AD; perform an internal visual inspection of the wing dry bay in accordance with the service bulletin.

(i) If no leakage is found as a result of the inspection required by paragraph (a)(3) of this AD, repeat the internal visual inspection of the wing dry bay required by paragraph (a)(3) of this AD at intervals not to exceed 14 days.

(ii) If the leakage is within the limits specified in the service bulletin, within 14 days, perform the local re-sealing repair procedure described in paragraph C.7. of the Accomplishment Instructions of the service bulletin. The airplane may be returned to service within this 14-day period, subject to the following conditions:

(A) Perform the internal visual inspection of the wing dry bay required by paragraph (a)(3) of this AD at intervals not to exceed 7 days to ensure that the leakage remains within the specified limit; and

(B) Prior to further flight, incorporate the following into the Limitations Section of the Airplane Flight Manual (AFM), which may be accomplished by including a copy of this airworthiness directive in the AFM:

"Flight is prohibited in areas where lightning or thunderstorms are observed or reported within 5 nautical miles of the flight path, or when the existing weather conditions may reasonably be expected to result in a lightning strike."

(iii) If leakage exceeds the limit specified in the service bulletin, prior to further flight, repair in accordance with paragraph C.7. of the Accomplishment Instructions of the service bulletin.

(iv) Application of a fuel vapor barrier coating in accordance with paragraph D. of the Accomplishment Instructions of the service bulletin constitutes terminating action only for the repetitive internal visual inspections required by paragraph (a)(3)(i) of this AD.

(b) For those airplanes listed in de Havilland Alert Service Bulletin A8-28-16, Revision B, dated June 24, 1991, that are not subject to paragraph (a) of this AD, accomplish the following:

(1) Within 24 hours after September 26, 1991 (the effective date of AD 91-19-04, Amendment 39-8031), and thereafter at intervals not to exceed 300 hours time-in-service or 30 days, whichever occurs first, perform an external visual inspection of the wing dry bay drains for blockage in accordance with the service bulletin. If drain blockage is found, prior to further flight, repair in accordance with paragraph B.1. of the Accomplishment Instructions of the service bulletin.

(2) Within 24 hours after September 26, 1991, and thereafter at daily intervals, perform an external visual inspection of the wing dry bay drains to detect evidence of fuel leaks in accordance with the service bulletin.

(3) Within 7 days after September 26, 1991, unless accomplished within the previous 14 days; or prior to further flight if evidence of fuel leaks is detected at the wing dry bay drains as a result of the inspection required by paragraph (b)(2) of this AD; perform an

internal visual inspection of the wing dry bay in accordance with the service bulletin.

(i) If no leakage is found as a result of the inspection required by paragraph (b)(3) of this AD, repeat the internal visual inspection of the wing dry bay required by paragraph (b)(3) of this AD at intervals not to exceed 14 days.

(ii) If the leakage is within the limits specified in the service bulletin, within 14 days, perform the local re-sealing repair procedure described in paragraph C.7. of the Accomplishment Instructions of the service bulletin. The airplane may be returned to service within this 14-day period, subject to the following conditions:

(A) Perform the internal visual inspection of the wing dry bay required by paragraph (b)(3) of this AD at intervals not to exceed 7 days to ensure that the leakage remains within the specified limit; and

(B) Prior to further flight, incorporate the following into the Limitations Section of the Airplane Flight Manual (AFM), which may be accomplished by including a copy of this airworthiness directive in the AFM:

"Flight is prohibited in areas where lightning or thunderstorms are observed or reported within 5 nautical miles of the flight path, or when the existing weather conditions may reasonably be expected to result in a lightning strike."

(iii) If leakage exceeds the limit specified in the service bulletin, prior to further flight, repair in accordance with paragraph C.7. of the Accomplishment Instructions of the service bulletin.

(iv) Application of a fuel vapor barrier coating in accordance with paragraph D. of the Accomplishment Instructions of the service bulletin constitutes terminating action only for the repetitive internal visual inspections required by paragraph (b)(3)(i) of this AD.

(c) For airplane serial numbers 279, 281, 283, 284, 286, 288, and 307, accomplish the following in accordance with de Havilland Alert Service Bulletin A8-28-16, Revision C, dated January 31, 1992:

(1) Within 7 days after the effective date of this AD, and thereafter at intervals not to exceed 300 hours time-in-service or 30 days, whichever occurs first, perform an external visual inspection of the wing dry bay drains for blockage in accordance with the service bulletin. If drain blockage is found, prior to further flight, repair in accordance with paragraph B.1. of the Accomplishment Instructions of the service bulletin.

(2) Within 7 days after the effective date of this AD, and thereafter at daily intervals, perform an external visual inspection of the wing dry bay drains to detect evidence of fuel leaks in accordance with the service bulletin.

(3) Within 7 days after the effective date of this AD, unless accomplished within the previous 14 days, or prior to further flight if evidence of fuel leaks is detected at the wing dry bay drains as a result of the inspection required by paragraph (c)(2) of this AD, perform an internal visual inspection of the wing dry bay in accordance with the service bulletin.

(i) If no leakage is found as a result of the inspection required by paragraph (c)(3) of this AD, repeat the internal visual inspection of

the wing dry bay required by paragraph (c)(3) of this AD at intervals not to exceed 14 days.

(ii) If the leakage is within the limits specified in the service bulletin, within 14 days, perform the local re-sealing repair procedure described in paragraph C.7. of the Accomplishment Instructions of the service bulletin. The airplane may be returned to service within this 14-day period, subject to the following conditions:

(A) Perform the internal visual inspection of the wing dry bay required by paragraph (c)(3) of this AD at intervals not to exceed 7 days to ensure that the leakage remains within the specified limit; and

(B) Prior to further flight, incorporate the following into the Limitations Section of the Airplane Flight Manual (AFM), which may be accomplished by including a copy of this airworthiness directive in the AFM:

"Flight is prohibited in areas where lightning or thunderstorms are observed or reported within 5 nautical miles of the flight path, or when the existing weather conditions may reasonably be expected to result in a lightning strike."

(iii) If leakage exceeds the limit specified in the service bulletin, prior to further flight, repair in accordance with paragraph C.7. of the Accomplishment Instructions of the service bulletin.

(iv) Application of a fuel vapor barrier coating in accordance with paragraph D. of the Accomplishment Instructions of the service bulletin constitutes terminating action only for the repetitive internal visual inspections required by paragraph (c)(3)(i) of this AD.

(d) Within 6 months after the effective date of this AD, accomplish Modification No. 8/1776 in accordance with de Havilland Service Bulletin 8-57-20, Revision A, dated January 31, 1992. Accomplishment of this modification constitutes terminating action for the requirements of this AD.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, New York Aircraft Certification Office (ACO), ANE-170, FAA, Engine and Propeller Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

(f) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on August 13, 1992.

Bill R. Boxwell,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-20580 Filed 8-26-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 92-NM-120-AD]

Airworthiness Directives; de Havilland, Inc., Model DHC-8-100 and DHC-8-300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain de Havilland, Inc., Model DHC-8-100 and -300 series airplanes. This proposal would require inspection of the inboard flaps for free play and roller rattle; re-rigging of the inboard flap system; and, for certain airplanes, repetitive inspections of significant structural items in the vicinity of the re-rigged inner flap. This proposal is prompted by results of tests conducted by the manufacturer which revealed that flap loads may not be evenly distributed to the flap ball screws. The actions specified by the proposed AD are intended to prevent reduced controllability of the airplane.

DATES: Comments must be received by September 23, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-120-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from de Havilland, Inc., Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 181 South Franklin Avenue, Valley Stream, New York.

FOR FURTHER INFORMATION CONTACT: Mr. Danko Kramar, Aerospace Engineer, Systems and Equipment Branch, ANE-173, FAA, New York Aircraft Certification Office, 181 South Franklin Avenue, Valley Stream, New York; telephone (516) 791-6427; fax (516) 791-9024.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the

proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-120-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-120-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

Transport Canada Aviation (TCA), which is the airworthiness authority for Canada, recently notified the FAA that an unsafe condition may exist on certain de Havilland, Inc., Model DHC-8-100 and -300 series airplanes. TCA advises that results of tests conducted by the manufacturer have revealed that flap loads may not be evenly distributed to the flap ball screws. Unevenly distributed flap loads could lead to accelerated wear, reduced fatigue life, and possible overloading of certain components of the flap structure. Failure of the flap structure could result in an asymmetric flap condition. These conditions, if not corrected, could result in reduced controllability of the airplane.

De Havilland, Inc., has issued Service Bulletin 8-27-53, dated May 11, 1990, which describes procedures for inspection of the inboard flaps for free play and roller rattle; re-rigging of the inboard flap system; and, for certain airplanes, repetitive inspections of significant structural items in the

vicinity of the re-rigged inner flap. Evidence of free play and roller rattle, as defined in the service bulletin, is a desirable condition. If no roller rattle is found as a result of the inboard flaps inspection, this would indicate that the flaps are binding. In this case, it would be necessary to re-rig the inboard flap system sooner than if roller rattle had been evident during the inspection. TCA classified this service bulletin as mandatory and issued Canadian Airworthiness Directive CF-91-34 in order to assure the continued airworthiness of these airplanes in Canada.

This airplane model is manufactured in Canada and is type certificated for operation in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, TCA has kept the FAA informed of the situation described above. The FAA has examined the findings of TCA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require inspection of the inboard flaps for free play and roller rattle, and re-rigging of the inboard flap system. All airplanes would be required to be re-rigged, but the compliance time for doing so varies according to whether discrepancies are found as a result of the inspection. The actions would be required to be accomplished in accordance with the service bulletin described previously.

This proposal would also require that, after re-rigging is accomplished, repetitive inspections of "significant structural items" in the vicinity of the re-rigged inner flap be conducted on certain airplanes. These inspections would be required to be performed in accordance with the FAA-approved maintenance program, and are related to the aging airplane program that has been established for de Havilland Model DHC-8 series airplanes. This proposed requirement references maintenance program documents that are available to operators and interested persons from the airplane manufacturer through normal distribution channels.

The FAA estimates that 80 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 10 work hours per airplane to accomplish the proposed

actions, and that the average labor rate is \$55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$44,000. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

De Havilland, Inc.: Docket 92-NM-120-AD.

Applicability: Model DHC-8-100 and DHC-8-300 series airplanes; serial numbers 3 through 216, inclusive; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced controllability of the airplane, accomplish the following:

(a) Within 50 hours time-in-service after the effective date of this AD, inspect the inboard flaps for free play and roller rattle, in accordance with the Accomplishment Instructions, Paragraph A., of de Havilland Service Bulletin 8-27-53, dated May 11, 1990.

Note: Evidence of free play and roller rattle, as defined in the service bulletin, is a desirable condition.

(b) If free play and roller rattle are found as a result of the inspection required by

paragraph (a) of this AD: Within 1,000 hours time-in-service after the effective date of this AD, re-rig the flap system, in accordance with the Accomplishment Instructions, Paragraph B., of de Havilland Service Bulletin 8-27-53, dated May 11, 1990. After accomplishment of this procedure, no further action is required by this AD.

(c) If free play and roller rattle are not found as a result of the inspection required by paragraph (a) of this AD: Within 250 hours time-in-service after the effective date of this AD, re-rig the flap system, in accordance with the Accomplishment Instructions, Paragraph

B., of de Havilland Service Bulletin 8-27-53, dated May 11, 1990.

(1) If the airplane has accumulated more than 5,000 landings when the flap system is re-rigged in accordance with this paragraph: Within 250 hours time-in-service after the effective date of this AD, begin repetitive inspections of the structurally significant items (SSI) in the vicinity of the re-rigged inner flap (identified in the following table) and repeat at the intervals specified in the applicable FAA-approved maintenance program.

| Airplane | Maintenance program | DHC SSI task identification No. |
|----------------------------------|---|---|
| DHC-8 Series 100, All Models.... | DHC-8 Series 100 Maintenance Program PSM 1-8-7, Part 2, Airworthiness Limitations Listings. | WF01, WF02, WF03, WF05, WF06, WF07, WF08, WF09, WF10, WF28, WF29, WF30, and WF31. |
| DHC-8 Series 300, Model 301 ... | DHC-8 Series 300 Maintenance Program PSM 1-83-27, Part 2, Airworthiness Limitations Listings. | WF01, WF02, WF03, WF05, WF06, WF07, WF08, WF09, WF10, WF28, WF29, WF30, and WF31. |

(2) If the airplane has accumulated 5,000 or fewer landings when the flap system is re-rigged in accordance with this paragraph, no further action is required by this AD.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, New York Aircraft Certification Office (ACO), ANE-170, FAA, Engine and Propeller Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who add comments and then send it to the Manager, New York ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

(e) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on July 24, 1992.

Bill R. Boxwell,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-20581 Filed 8-26-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 92-ANE-10]

Airworthiness Directives; General Electric Company CF6 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to General Electric Company (GE) CF6 series turbofan engines. This proposal

would require a one-time inspection of high pressure turbine (HPT) thermal shields, removal from service of certain HPT thermal shields, and replacement with serviceable parts. This proposal is prompted by a report of an HPT thermal shield separation. The actions specified by the proposed AD are intended to prevent an uncontained engine failure.

DATES: Comments must be received by September 28, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 92-ANE-10, 12 New England Executive Park, Burlington, Massachusetts 01803-5299. Comments may be inspected at this location between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from General Electric Aircraft Engines, CF6 Distribution Clerk, room 132, 111 Merchant Street, Cincinnati, Ohio 45246. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, Massachusetts.

FOR FURTHER INFORMATION CONTACT: Robert J. Ganley, Engine Certification Office, ANE-140, Engine and Propeller Directorate, Aircraft Certification Service, FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803-5299, telephone (617) 272-5047; fax (617) 270-2412.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the

proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 92-ANE-10". The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803-5299.

Discussion

This proposed AD is applicable to General Electric company (GE) CF6

series turbofan engines. The FAA has received a report that a high pressure turbine (HPT) thermal shield separated from a GE CF6-50 engine. The shield separated due to a stress rupture failure located between the third and fourth seal teeth. A groove or undercut in the catenary wall of the shield reduced the wall thickness to less than the minimum required. Other GE CF6 engine models have the same design. This condition, if not corrected, could result in an uncontained engine failure.

The FAA has reviewed and approved the technical contents of GE CF6-6 Service Bulletin (SB) No. 72-983, Revision 1, dated October 10, 1991, applicable to CF6-6 engines; GE CF6-50 SB No. 72-1021, Revision 1, dated October 10, 1991, applicable to CF6-45 and CF6-50 engines; GE CF6-80A SB No. 72-596, Revision 1, dated October 10, 1991, applicable to CF6-80A engines; and GE CF6-80C2 SB No. 72-565, Revision 1, dated October 10, 1991, applicable to CF6-80C2 engines. These service bulletins describe procedures for the inspection of, and contain removal criteria for, HPT thermal shields. Additionally, these service bulletins list the part numbers and serial numbers of affected HPT thermal shields.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require a one-time inspection of HPT thermal shields, removal from service of certain HPT thermal shields, and replacement with serviceable parts, in accordance with the service bulletins previously described.

There are approximately 560 GE CF6 series turbofan engines of the affected design in the worldwide fleet. The FAA estimates that approximately 100 of those engines are installed on aircraft of U.S. registry and would be affected by this proposed AD, that it would take approximately 100 work hours per engine to accomplish the required inspection and replacement actions, and that the average labor rate is \$55 per work hour. Required parts would cost approximately \$50,000 per engine. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$5,550,000.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism

implications to warrant the preparation of a Federal Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

General Electric Company: Docket No. 92-ANE-10.

Applicability: General Electric Company (GE) CF6-6/-45/-50/-80A/-80C2 series turbofan engines that contain high pressure turbine (HPT) thermal shields as listed in the applicable service bulletins that are referenced in this AD, installed on but not limited to Airbus A300 and A310, Boeing 747 and 767, and McDonnell Douglas DC-10 and MD-11 aircraft.

Compliance: Required as indicated, unless accomplished previously.

To prevent an uncontained engine failure, accomplish the following:

(a) Perform either an impression and optical comparator inspection or an ultrasonic inspection of the HPT thermal shield at the next HPT module exposure, or by December 12, 1995, whichever occurs first, as follows:

(1) For GE CF6-6 engines, in accordance with GE CF6-6 Service Bulletin (SB) No. 72-983, Revision 1, dated October 10, 1991.

(2) For CF6-45/-50 engines, in accordance with GE CF6-50 SB No. 72-1021, Revision 1, dated October 10, 1991.

(3) For CF6-80A engines, in accordance with GE CF6-80A SB No. 72-596, Revision 1, dated October 10, 1991.

(4) For CF6-80C2 engines, in accordance with GE CF6-80C2 SB No. 72-565, Revision 1, dated October 10, 1991.

(b) Remove from service prior to further flight, and replace with a serviceable part, HPT thermal shields that do not meet the service criteria contained in the applicable service bulletins as specified in paragraph (a) of this AD.

(c) For the purpose of this AD, module exposure is defined as the removal of the HPT module from the engine for any reason.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

(e) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Burlington, Massachusetts, on August 17, 1992.

Jack A. Sain,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 92-20587 Filed 8-26-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 92-NM-159-AD]

Airworthiness Directives; Short Brothers, PLC, Model SD3-60 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Short Brothers Model SD3-60 series airplanes. This proposal would require modification of the power supply to the emergency lighting system and a subsequent functional test of the system. This proposal is prompted by reports which indicate that the emergency lighting system will not illuminate automatically if normal airplane power is interrupted or lost. The actions specified by the proposed AD are intended to prevent failure of the emergency lights to illuminate during an emergency.

DATES: Comments must be received by October 20, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-159-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Short Brothers, PLC, 2011 Crystal Drive, suite 713, Arlington, Virginia 22202-3719. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Hank Jenkins, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2141; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-159-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-159-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

The United Kingdom Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on certain Short Brothers Model SD3-60 series airplanes. The CAA advises that there have been reports which indicate that the emergency lighting system will not illuminate automatically if normal airplane power is interrupted or lost. This condition, if not corrected, could result in failure of the emergency lights to illuminate during an emergency.

Short Brothers, PLC, has issued Service Bulletin SD360-33-23, dated June 1, 1992, which describes procedures for modification of the power supply to the emergency lighting system and a subsequent functional test of the system. This modification involves installing three new relays with associated wiring and diodes between circuit breaker 243 and the left and right generator line contractor slave relays to ensure the system will automatically illuminate under all conditions if normal airplane power is interrupted or lost. The CAA classified this service bulletin as mandatory.

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require modification of the power supply to the emergency lighting system and a subsequent functional test of the system. The actions would be required to be accomplished in accordance with the service bulletin described previously.

The FAA estimates that 86 airplanes of U.S. registry would be affected by this

proposed AD, that it would take approximately 28 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$55 per work hour. Required parts will be supplied by the manufacturer at no cost to operators. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$132,440. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Short Brothers, PLC: Docket 92-NM-159-AD.

Applicability: Model SD3-60 series airplanes; as listed in Short Brothers Service Bulletin SD360-33-23, dated June 1, 1992; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the emergency lights to illuminate during an emergency, accomplish the following:

(a) Within 6 months after the effective date of this AD, modify the power supply to the emergency lighting system and perform a functional test of the system, in accordance with paragraph 2.A., part A, B, C, or D, as applicable, of the Accomplishment Instructions of Short Brothers Service Bulletin SD360-33-23, dated June 1, 1992.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on August 19, 1992.

Bill R. Boxwell,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-20586 Filed 8-26-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 92-NM-42-AD]

Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), applicable to certain Fokker Model F28 Mark 0100 series airplanes, that would have required modification of the passenger address (PA) system in the aft passenger compartment. That proposal was prompted by systems evaluation test results indicating that messages delivered over the PA system from the forward passenger compartment are not sufficiently audible in the aft passenger compartment. This action revises the proposed rule by

requiring additional wiring changes. The actions specified by this proposed AD are intended to prevent inaudible communications between the forward and aft passenger compartments, a situation that could hamper emergency evacuation.

DATES: Comments must be received by September 28, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-42-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Quam, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2145; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following

statement is made: "Comments to Docket Number 92-NM-42-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-42-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations to add an airworthiness directive (AD), applicable to certain Fokker Model F28 Mark 0100 series airplanes, was published as a notice of proposed rulemaking (NPRM) in the *Federal Register* on April 23, 1992 (57 FR 14801). That NPRM would have required modification of the passenger address (PA) system in the aft passenger compartment. That NPRM was prompted by systems evaluation test results indicating that messages delivered over the PA system from the forward passenger compartment are not sufficiently audible in the aft passenger compartment. That condition, if not corrected, could result in inaudible communications between the forward and aft passenger compartments, a situation that could hamper emergency evacuation.

Since the issuance of that NPRM, Fokker has issued Revision 1 to Service Bulletin F100-23-017, dated April 3, 1992. The revised service bulletin describes additional wiring changes that were omitted from the original issue of the service bulletin. Accomplishment of these additional procedures is necessary to accurately complete the modification described in the service bulletin. The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, issued a revised Netherlands Airworthiness Directive, BLA 91-071, Issue 2, in order to assure the continued airworthiness of these airplanes in the Netherlands.

The FAA has revised paragraph (a) of the NPRM to cite the latest revision to the service bulletin as the appropriate service information source.

Since this change expands the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

The FAA estimates that 27 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 14 work hours per airplane to accomplish the proposed

actions, and that the average labor rate is \$55 per work hour. Required parts would cost approximately \$2,057 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$76,329. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12812, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Fokker: Docket 92-NM-42-AD.

Applicability: Model F28 Mark 0100 series airplanes; serial numbers 11244 through 11339, inclusive; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent inaudible communications between the forward and aft passenger compartments, which could potentially hamper emergency evacuation procedures, accomplish the following:

(a) Within 6 months after the effective date of this AD, modify the passenger address system in accordance with Fokker Service Bulletin SBF100-23-017, Revision 1, dated April 3, 1992.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on August 13, 1992.

Bill R. Boxwell,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-20582 Filed 8-26-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 92-NM-129-AD]

Airworthiness Directives; McDonnell Douglas Model DC-10 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to McDonnell Douglas Model DC-10 series airplanes. This proposal would require inspections to detect fatigue cracking in the area of the pressure bulkhead at fuselage station Y=595.00, and repair, if necessary. This proposal is prompted by reports of cracking found in the web and tee cap of the pressure bulkhead at fuselage station Y=595.00. The actions specified by the proposed AD are intended to prevent failure of the pressure bulkhead at fuselage station Y=595.00, which could reduce the structural integrity of the airplane.

DATES: Comments must be received by October 9, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation

Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-129-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90846-0001, Attention: Business Unit Manager, Technical Publications—Technical Administrative Support, C1-L5B. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT:

Ms. Maureen Moreland, Aerospace Engineer, Los Angeles Aircraft Certification Office, ANM-121L, FAA Transport Airplane Directorate, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (310) 988-5238; fax (310) 988-5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-129-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-129-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

The FAA has received reports of four instances of cracks found in the web and two instances of cracks found in the tee cap of the pressure bulkhead at fuselage station Y=595.00 on three Model DC-10 series airplanes. One of the cracks was nine inches long. Subsequent investigation revealed that the cracks developed due to fatigue. The affected airplanes had accumulated between 16,549 and 25,315 landings.

Several of the cracks were found during inspections conducted in accordance with AD 92-02-08, Amendment 39-8144, (57 FR 3931, February 3, 1992). That AD requires inspections of various Principal Structural Elements (PSE) in accordance with McDonnell Douglas Report Number L26-012, "DC-10 Supplemental Inspection Document (SID)." (A PSE is defined as structure, the failure of which, if it remained undetected, could lead to reduced structural integrity of the airplane.) The subject area is designated as PSE numbers 53.10.037 and 53.10.038. AD 92-02-08 requires inspection of these PSE's on a sampling basis. Such inspections are conducted under the "fleet leader operator sampling criteria," as specified in the SID, with a fatigue life threshold (N_{th}) as 34,849 landings. The "fatigue life threshold" corresponds to the service life of a PSE "when the probability of failure per flight reaches 10^{-9} ," i.e., failure is extremely improbable. Sampling inspections began in September 1989 for those airplanes in the candidate fleet that had accumulated more than 17,424 landings (that is, $N_{th}/2$).

Since cracking in the area of these PSE's has occurred on airplanes that have accumulated less than 17,424 landings, the FAA has determined that additional inspections of this area are warranted on airplanes at the accumulation of 10,000 landings. Such inspections would ensure that fatigue cracking is detected before it reaches a critical length.

Fatigue cracking, if not detected and corrected in a timely manner, could result in failure of the pressure bulkhead at fuselage station Y=595.00, which could reduce the structural integrity of the airplane.

The FAA has reviewed and approved McDonnell Douglas DC-10 Alert Service Bulletin A53-158, dated May 29, 1992, that describes procedures for inspection of the web and tee cap of the pressure bulkhead at fuselage station Y=595.00, and repair, if necessary. Inspection of the affected area will determine whether fatigue cracks exist. A final design modification that will positively address the cracking problem is under development.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require inspections to detect fatigue cracking of the web and tee cap of the pressure bulkhead at fuselage station Y=595.00, and repair, if necessary. The actions would be required to be accomplished in accordance with the service bulletin described previously.

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

There are approximately 404 McDonnell Douglas Model DC-10 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 231 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 4 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$50,820. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of

it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [AMENDED]

2. Section 39.13 is amended by adding the following new airworthiness directive:

McDonnell Douglas: Docket 92-NM-129-AD.

Applicability: Model DC-10-10, -15, -30, and -40 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the pressure bulkhead at fuselage station Y=595.00, which could reduce the structural integrity of the airplane, accomplish the following:

(a) Unless accomplished within the last 4,350 landings: Prior to the accumulation of 10,000 landings, or within 6 months after the effective date of this AD, whichever occurs later, conduct a visual and eddy current inspection of the fuselage station Y=595.00 pressure bulkhead web and conduct an eddy current inspection of the fuselage station Y=595.00 pressure bulkhead tee cap, PSE 53.10.037 (left side and 53.10.038 (right side), in accordance with McDonnell Douglas Alert Service Bulletin A53-158, dated May 29, 1992.

(1) If any crack is detected that is within the limits specified in McDonnell Douglas Alert Service Bulletin A53-158, dated May 29, 1992, prior to further flight, repair the crack in accordance with that service bulletin. After repair, repeat the inspections at intervals not to exceed 4,350 landings, in a manner approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(2) If any crack is detected that exceeds the limits specified in McDonnell Douglas Alert Service Bulletin A53-158, dated May 29, 1992, prior to further flight, repair the crack in a manner approved by the Manager, Los Angeles ACO, FAA, Transport Airplane Directorate.

(3) If no cracking is detected, repeat the inspections at intervals not to exceed 4,350 landings.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los

Angeles ACO, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on August 7, 1992.

Bill R. Boxwell,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-20583 Filed 8-26-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 92-NM-105-AD]

Airworthiness Directives; McDonnell Douglas Model DC-10 and KC-10 (Military) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC-10 and (Military) KC-10 series airplanes. This proposal would require visual inspection of the left and right main landing gear (MLG) pistons to detect inward buckling, and replacement of the MLG piston, if necessary. This proposal would also require either modification or replacement of the rebound check valve. This proposal is prompted by several incidents of MLG piston failure. The actions specified by the proposed AD are intended to prevent failure of the MLG piston and subsequent reduced controllability of the airplane during landing.

DATES: Comments must be received by October 5, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-105-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from

McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90846-0001, Attention: Business Unit Manager, Technical Publications—Technical Administrative Support, C1-L5B. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Ms. Maureen Moreland, Aerospace Engineer, Los Angeles Aircraft Certification Office, ANM-121L, FAA Transport Airplane Directorate, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (310) 988-5238; fax (310) 988-5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-105-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-105-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

Four operators of McDonnell Douglas Model DC-10-10 series airplanes have reported seven incidents of failure of the main landing gear (MLG) piston. One of

these incidents resulted in loss of the MLG. The MLG piston failures were reported on Model DC-10-10 series airplanes that had accumulated between 19,000 and 40,000 flight hours. Subsequent investigation of these airplanes revealed that the piston had buckled and failed as a result of excessive rebound chamber pressures. Piston buckling failures, if not corrected, could result in failure of the MLG piston and subsequent reduced controllability of the airplane during landing.

The FAA has reviewed and approved McDonnell Douglas DC-10 Service Bulletin 32-227, Revision 1, dated April 30, 1992, that describes procedures for conducting a visual inspection to detect inward buckling of the left and right MLG pistons, replacement of the MLG pistons, and modification and replacement of the rebound check valves. The modification involves increasing the number of orifices in the rebound check valves from three to nine. This will reduce rebound pressure during piston extension, which will reduce the risk of piston buckling. (The procedures described in this service bulletin differ between airplanes that have been modified in accordance with McDonnell Douglas Service Bulletin 32-60, and those that have not been modified. Service Bulletin 32-60 describes a modification of the MLG shock strut that involves replacement of the rebound check valve.)

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require visual inspection of the left and right main landing gear (MLG) pistons to detect inward buckling, and replacement of the MLG piston, if necessary. This proposal also would require the eventual modification or replacement of the rebound check valve. The actions would be required to be accomplished in accordance with the service bulletin described previously.

There are approximately 423 McDonnell Douglas Model DC-10 and KC-10 (Military) series airplanes of the affected design in the worldwide fleet. The FAA estimates that 195 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 6 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$55 per work hour. Required parts would cost approximately \$1,205 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$299,325. The total cost figure assumes that no operator has yet accomplished

the proposed requirements of this AD action.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

McDonnell Douglas: Docket 92-NM-105-AD.

Applicability: Model DC-10-10, -15, -30, -40, and KC-10 (Military) series airplanes; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the MLG piston and subsequent reduced controllability of the airplane during landing, accomplish the following:

(a) For Model DC-10-10 and DC-10-15 series airplanes that have not been modified in accordance with McDonnell Douglas DC-10 Service Bulletin 32-227, dated January 21, 1991: Within two years after the effective

date of this AD, accomplish the requirements of paragraphs (a)(1) and (a)(2) of this AD:

(1) Conduct a visual inspection of the right and left main landing gear (MLG) pistons to detect inward buckling. If inward buckling of the MLG piston is detected, prior to further flight, replace the MLG piston, in accordance with McDonnell Douglas DC-10 Service Bulletin 32-227, Revision 1, dated April 30, 1992.

(2) Determine if the rebound check valve previously has been replaced in accordance with McDonnell Douglas Service Bulletin 32-60, Revision 3, dated August 7, 1974; or Revision 4, dated November 6, 1974; or Revision 5, dated May 1, 1975; or Revision 6, dated June 20, 1975; (hereafter referred to as "SB 32-60").

(i) If the rebound check valve has not been replaced in accordance with SB 32-60: Within two years after the effective date of this AD, replace the rebound check valve in accordance with McDonnell Douglas DC-10 Service Bulletin 32-227, Revision 1, dated April 30, 1992, or.

(ii) If the rebound check valve has been replaced in accordance with SB 32-60: Within two years after the effective date of this AD, rework or replace the rebound check valve in accordance with McDonnell Douglas DC-10 Service Bulletin 32-227, Revision 1, dated April 30, 1992.

(b) For Model DC-10-10 and DC-10-15 series airplanes that have been modified in accordance with McDonnell Douglas DC-10 Service Bulletin 32-227, dated January 21, 1991; and for all Model DC-10-30 and DC-10-40 and KC-10 series airplanes: Within five years after the effective date of this AD, accomplish the requirements of paragraphs (b)(1) and (b)(2) of this AD:

(1) Conduct a visual inspection of the right and left main landing gear (MLG) pistons to detect inward buckling, in accordance with McDonnell Douglas DC-10 Service Bulletin 32-227, Revision 1, dated April 30, 1992. If inward buckling of the MLG piston is detected, prior to further flight, replace the MLG piston in accordance with McDonnell Douglas DC-10 Service Bulletin 32-227, Revision 1, dated April 30, 1992.

(2) Determine if the rebound check valve previously has been replaced in accordance with SB 32-60.

(i) If the rebound check valve has not been replaced in accordance with SB 32-60: Within five years after the effective date of this AD, replace the rebound check valve in accordance with McDonnell Douglas DC-10 Service Bulletin 32-227, Revision 1, dated April 30, 1992, or.

(ii) If the rebound check valve has been replaced in accordance with SB 32-60: Within five years after the effective date of this AD, rework or replace the rebound check valve in accordance with McDonnell Douglas DC-10 Service Bulletin 32-227, Revision 1, dated April 30, 1992.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance

Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on August 4, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-20584 Filed 8-26-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 92-NM-122-AD]

Airworthiness Directives; SAAB-Scania Models SAAB SF-340A and SAAB 340B Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to Model SAAB-Scania Models SF-340A and SAAB 340B series airplanes. This proposal would require visual inspections to detect corrosion on the wing upper panel in the fuel tank access door area, and modification of the fuel tank access door area. This proposal is prompted by reports of corrosion caused by moisture and contact between the conductive paint on the fuel tank access door and aircraft structure. The actions specified by the proposed AD are intended to prevent reduction of strength of the upper wing panel and possible fuel leakage.

DATES: Comments must be received by September 14, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-122-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from ADDRESSES: The service information referenced in this AD may be obtained from SAAB-Scania AB, Product Support, S-581.88, Linköping, Sweden. This

information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT:

Mr. Mark Quam, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2145; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-122-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-122-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

The Luftfartsverket, which is the airworthiness authority for Sweden, recently notified the FAA that an unsafe condition may exist on Model SAAB-Scania Models SF-340A and SAAB 340B series airplanes. The Luftfartsverket advises that cases have been reported of corrosion found on the wing upper panel in the fuel tank access door area. The

corrosion was caused by moisture and contact between the conductive paint on the fuel tank access door and wing structure. If uncorrected, this condition could result in the reduction of strength of the wing upper panel and possible fuel leakage.

SAAB-Scania AB has issued SAAB Service Bulletin 340-57-020, Revision 1, dated April 3, 1992, which describes procedures for performing visual inspections to detect corrosion on the wing upper panel in the fuel tank access door area, corrosion removal, surface treatment, and the installation of protection plates on the fuel tank access hole doublers. The Luftfartsverket classified this service bulletin as mandatory and issued Swedish Airworthiness Directives (SAD) No. 1-052 in order to assure the continued airworthiness of these airplanes in Sweden.

This airplane model is manufactured in Sweden and is type certificated for operation in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the Luftfartsverket has kept the FAA informed of the situation described above. The FAA has examined the findings of the Luftfartsverket, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require visual inspections to detect corrosion on the wing upper panel in the fuel tank access door area, corrosion removal, surface treatment, and the installation of protection plates on the fuel tank access hole doublers. The actions would be required to be accomplished in accordance with the service bulletin described previously.

The FAA estimates that 172 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 96 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$55 per work hour. Required parts would be provided by SAAB-Scania AB at no cost to operators. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$908,160. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Saab-Scania: Docket 92-NM-122-AD.

Applicability: Models SAAB SF-340A and SAAB 340B series airplanes; as listed in SAAB Service Bulletin 340-57-020, Revision 1, dated April 3, 1992; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent the reduction of strength of the wing upper panel and possible fuel leakage, accomplish the following:

(a) Within 6 months after the effective date of this AD, perform a visual inspection for corrosion on the wing upper panel in the fuel tank access door area, in accordance with SAAB Service Bulletin 340-57-020, Revision 1, dated April 3, 1992.

(1) If corrosion is detected, prior to further flight, blend or grind it out, and measure the thickness of the blended or ground part, in accordance with the service bulletin.

(i) If the thickness of the blended or ground part is within the tolerances specified in the service bulletin, apply surface treatments in accordance with the service bulletin.

(ii) If the blended or ground part is outside the tolerances specified in the service bulletin, prior to further flight, repair in a manner approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

(2) If corrosion is not found, apply surface treatments in accordance with the service bulletin.

(b) Within 6 months after accomplishing paragraph (a) of this AD, perform a second visual inspection to detect corrosion on the wing upper panel in the fuel tank access door area, in accordance with SAAB Service Bulletin 340-57-020, Revision 1, dated April 3, 1992.

(1) If corrosion is detected, prior to further flight, blend or grind it out, and measure the thickness of the blended or ground part, in accordance with the service bulletin.

(i) If the thickness of the blended or ground part is within the tolerances specified in the service bulletin, apply surface treatments in accordance with the service bulletin.

(ii) If the blended or ground part is outside the tolerances specified in the service bulletin, prior to further flight, repair in a manner approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

(2) If corrosion is not found, apply surface treatments in accordance with the service bulletin.

(3) Following the visual inspection and repairs required by paragraph (b) of this AD, prior to further flight, install protection plates on all fuel tank access hole doublers, and apply surface treatments, in accordance with the service bulletin.

(c) Installation of protection plates on all fuel tank access hole doublers and application of surface treatments, in accordance with SAAB Service Bulletin 340-57-020, Revision 1, dated April 3, 1992, that is accomplished prior to further flight following the visual inspection required by paragraph (a) of this AD, constitutes terminating action for the visual inspection required by paragraph (b) of this AD.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(e) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on July 13, 1992.

Bill R. Boxwell,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-20585 Filed 8-26-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Inspector General

24 CFR Part 2003

[Docket No. R-92-1611; FR-3259-P-01]

RIN 2508-AA07

Implementation of the Privacy Act of 1974

AGENCY: Office of the Inspector General, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would implement the requirements of the Privacy Act of 1974 in the Office of the Inspector General by creating a new part 2003 to 24 CFR chapter XII. It is intended to supplement the Department's existing Privacy Act regulations at 24 CFR part 16.

DATES: Comment due date: October 26, 1992.

ADDRESSES: Interested persons are invited to submit comments regarding this proposed rule to the Rules Docket Clerk, Office of General Counsel, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410.

Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT: Philip A. Kesaris, Deputy Assistant General Counsel, Inspector General and Administrative Proceedings Division, Office of General Counsel, room 10251, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, (202) 708-2350. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION:

Background

The Inspector General Act of 1978 (5 U.S.C. App.) was enacted to create independent and objective units to perform various investigative and monitoring functions in several Executive agencies of the Federal Government, including the Department of Housing and Urban Development

("HUD"). This Act confers broad authority upon the Inspector General to conduct independent investigations and audits. Consistent with its statutory independence, the Inspector General of HUD has adopted separate regulations at 24 CFR chapter XII which are applicable only to the Office of Inspector General ("OIG"). Currently, chapter XII concerns such OIG matters as organization, functions, and delegations of authority (part 2000), availability of information to the public (part 2002), and production in response to subpoenas or demands of courts or other authorities (part 2004). See 57 FR 2225, January 21, 1992.

The Inspector General of HUD proposes to establish a new part 2003 to chapter XII, for the purpose of implementing the requirements of the Privacy Act of 1974 (5 U.S.C. 552a) in the OIG. This new part 2003 generally incorporates the Department's existing Privacy Act regulations (24 CFR part 16) with some modifications of a mostly technical nature.

However, §§ 2003.8 [General Exemptions] and 2003.9 [Specific Exemptions] of the proposed rule constitute a significant revision to the OIG's exemption regulations currently found at 24 CFR 16.14 and 16.15. The proposed §§ 2003.8 and 2003.9 clarify the scope of the exemptions applicable to the OIG system of records entitled "Investigative Files of the Office of Inspector General" by providing reasons for exemptions from particular subsections of the Privacy Act that are more detailed than those currently found at 24 CFR 16.14 and 16.15. In addition, the proposed §§ 2003.8 and 2003.9 set forth the exemptions that are applicable to two new OIG systems of records, "Hotline Complaint Files of the Office of Inspector General" and "Name Indices System of the Office of Inspector General."

Other Matters

Environmental review

In accordance with 40 CFR 1508.4 of the regulations of the Council on Environmental Quality and 24 CFR 50.20(k) of the HUD regulations, the policies and procedures proposed in this document are determined not to have the potential of having a significant impact on the quality of the human environment, and, therefore, are categorically excluded from the requirements of the National Environmental Policy Act of 1969. Accordingly, a Finding of No Significant Impact is not required.

Impact on Economy

This proposed rule does not constitute a "major rule" as that term is defined in section 1(b) of the Executive Order on Federal Regulation issued by the President on February 17, 1981. Analysis of the proposed rule indicates that it does not (1) have an annual effect on the economy of \$100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Impact on Small Entities

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule before publication and by approving it certifies that this rule does not have a significant economic impact on a substantial number of small entities because there are no anti-competitive discriminatory aspects of the proposed rule with regard to small entities nor are there any unusual procedures that would need to be complied with by small entities.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this proposed rule will not have substantial direct effects on States or their political subdivisions, or the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government.

Executive Order 12606, The Family

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this proposed rule does not have potential for significant impact on family, maintenance, and general well-being, and, thus, is not subject to review under the Order.

Regulatory Agenda

This proposed rule did not appear in the Department's Semiannual Agenda of Regulations published on April 27, 1992 (57 FR 16804).

List of Subjects in 24 CFR Part 2003

Privacy Act of 1974.

Accordingly, 24 CFR Chapter XII is proposed to be amended by adding a new part 2003, to read as follows:

PART 2003—IMPLEMENTATION OF THE PRIVACY ACT OF 1974**Sec.**

- 2003.1 Scope of the part and applicability of other HUD regulations.
- 2003.2 Definitions.
- 2003.3 Requests for records.
- 2003.4 Officials to receive requests and inquiries.
- 2003.5 Initial denial of access to records.
- 2003.6 Disclosure of a record to a person other than the individual to whom it pertains.
- 2003.7 Authority to make law enforcement-related requests for records maintained by other agencies.
- 2003.8 General Exemptions.
- 2003.9 Specific Exemptions.

Authority: 5 U.S.C. 552a; 5 U.S.C. App. (Inspector General Act of 1978); 42 U.S.C. 3535(d).

§ 2003.1 Scope of the part and applicability of other HUD regulations.

(a) *General.* This part contains the regulations of the Office of Inspector General ("OIG") implementing the Privacy Act of 1974 (5 U.S.C. 552a). The regulations inform the public that the Inspector General has the responsibility for carrying out the requirements of the Privacy Act and for issuing internal OIG orders and directives in connection with the Privacy Act. These regulations apply to all records that are contained in systems of records maintained by the OIG and that are retrieved by an individual's name or personal identifier.

(b) *Applicability of part 16.* In addition to these regulations, the provisions of 24 CFR part 16 apply to the OIG, except that appendix A to part 16 is not applicable. The provisions of this part shall govern in the event of any conflict with the provisions of part 16.

§ 2003.2 Definitions.

Certain terms used in 24 CFR part 16 have the following meanings for purposes of this part:

Department. The term "Department," as used in 24 CFR part 16, means the OIG for purposes of this part, except that, as used in §§ 16.1(d), 16.11(b)(1), (3), and (4) and 16.12(e), the term means the Department of Housing and Urban Development.

Privacy Act Officer. The term "Privacy Act Officer," as used in 24 CFR part 16, means the Assistant Inspectors General described in § 2000.5 of this part.

Privacy Appeals Officer. The term "Privacy Appeals Officer," as used in 24 CFR part 16, means the Inspector General for purposes of this part. The

Secretary of HUD has delegated to the Inspector General the authority to act as the Privacy Appeals Officer for denials of requests for records maintained by the OIG.

§ 2003.3 Requests for records.

(a) A request from an individual for an OIG record about that individual which is not contained in an OIG system of records will be considered to be a Freedom of Information Act (FOIA) request and will be processed under 24 CFR part 2002.

(b) A request from an individual for an OIG record about that individual which is contained in an OIG system of records will be processed under both the Privacy Act and the FOIA in order to ensure maximum access under both statutes. This practice will be undertaken regardless of how an individual characterizes the request.

(1) The procedures for inquiries and requirements for access to records under the Privacy Act are more specifically set forth in 24 CFR part 16, except that appendix A to part 16 does not apply to the OIG.

(2) An individual will not be required to state a reason or otherwise justify his or her request for access to a record.

§ 2003.4 Officials to receive requests and inquiries.

Officials to receive requests and inquiries for access to, or correction of, records in OIG systems of records are the Privacy Act Officers described in § 2003.2 of this part. Written requests may be addressed to the appropriate Privacy Act Officer at: Office of Inspector General, Department of Housing and Urban Development, Washington, DC 20410, or to a particular Regional Office listed in § 2000.6(d) of this part, for referral to the appropriate Privacy Act Officer.

§ 2003.5 Initial denial of access to records.

(a) Access by an individual to a record about that individual which is contained in an OIG system of records will be denied only upon a determination by the Privacy Act Officer that:

(1) The record was compiled in reasonable anticipation of a civil action or proceeding; or the record is subject to a Privacy Act exemption under § 2003.8 or § 2003.9 of this part; and

(2) The record is also subject to a FOIA exemption under § 2002.21(b) of this part.

(b) If a request is partially denied, any portions of the responsive record that can be reasonably segregated will be provided to the individual after election

of those portions determined to be exempt.

(c) The provisions of 24 CFR 16.6(b) and 16.7, concerning notification of an initial denial of access and administrative review of the initial denial, apply to the OIG, except that:

(1) The final determination of the Inspector General, as Privacy Appeals Office for the OIG, will be in writing and will constitute final action of the Department on a request for access to a record in an OIG system of records; and

(2) If the denial of the request is in whole or in part upheld, the final determination of the Inspector General will include notice of the right to judicial review.

§ 2003.6 Disclosure of a record to a person other than the individual to whom it pertains.

(a) The OIG may disclose an individual's record to a person other than the individual to whom the record pertains in the following instances:

(1) Upon written request by the individual, including authorization under 24 CFR 16.5(e);

(2) With the prior written consent of the individual;

(3) To a parent or legal guardian of the individual under 5 U.S.C. 552a(h); or

(4) When permitted by the provisions of 5 U.S.C. 552a(b)(1) through (12).

§ 2003.7 Authority to make law enforcement-related requests for records maintained by other agencies.

(a) The Inspector General is authorized by written delegation from the Secretary of HUD and under the Inspector General Act to make written requests under 5 U.S.C. 552a(b)(7) for transfer of records maintained by other agencies which are necessary to carry out an authorized law enforcement activity under the Inspector General Act.

(b) The Inspector General delegates the authority under paragraph (a) of this section to the following OIG officials:

(1) Deputy Inspector General;

(2) Assistant Inspector General for Audit;

(3) Assistant Inspector General for Investigation; and

(4) Assistant Inspector General for Management and Policy.

(c) The officials listed in paragraph (b) of this section may not redelegate the authority described in paragraph (a) of this section.

§ 2003.8 General exemptions.

(a) The systems of records entitled "Investigative Files of the Office of Inspector General," "Hotline Complaint Files of the Office of Inspector General," and "Name Indices System of the Office

of Inspector General" consist, in part, of information compiled by the OIG for the purpose of criminal law enforcement investigations. Therefore, to the extent that information in these systems falls within the scope of Exemption (j)(2) of the Privacy Act, 5 U.S.C. 552a(j)(2), these systems of records are exempt from the requirements of the following subsections of the Privacy Act, for the reasons stated below.

(1) From subsection (c)(3), because release of an accounting of disclosures to an individual who is the subject of an investigation could reveal the nature and scope of the investigation and could result in the altering or destruction of evidence, improper influencing of witnesses, and other evasive actions that could impede or compromise the investigation.

(2) From subsection (d)(1), because release of investigative records to an individual who is the subject of an investigation could interfere with pending or prospective law enforcement proceedings, constitute an unwarranted invasion of the personal privacy of third parties, reveal the identity of confidential sources, or reveal sensitive investigative techniques and procedures.

(3) From subsection (d)(2), because amendment or correction of investigative records could interfere with pending or prospective law enforcement proceedings, or could impose an impossible administrative and investigative burden by requiring the OIG to continuously retrograde its investigations attempting to resolve questions of accuracy, relevance, timeliness and completeness.

(4) From subsection (e)(1), because it is often impossible to determine relevance or necessity of information in the early stages of an investigation. The value of such information is a question of judgment and timing; what appears relevant and necessary when collected may ultimately be evaluated and viewed as irrelevant and unnecessary to an investigation. In addition, the OIG may obtain information concerning the violation of laws other than those within the scope of its jurisdiction. In the interest of effective law enforcement, the OIG should retain this information because it may aid in establishing patterns of unlawful activity and provide leads for other law enforcement agencies. Further, in obtaining evidence during an investigation information may be provided to the OIG which relates to matters incidental to the main purpose of the investigation but which may be pertinent to the investigative jurisdiction of another agency. Such information cannot readily be identified.

(5) From subsection (e)(2), because in a law enforcement investigation it is usually counterproductive to collect information to the greatest extent practicable directly from the subject thereof. It is not always feasible to rely upon the subject of an investigation as a source for information which may implicate him or her in illegal activities. In addition, collecting information directly from the subject could seriously compromise an investigation by prematurely revealing its nature and scope, or could provide the subject with an opportunity to conceal criminal activities, or intimidate potential sources, in order to avoid apprehension.

(6) From subsection (e)(3), because providing such notice to the subject of an investigation, or to other individual sources, could seriously compromise the investigation by prematurely revealing its nature and scope, or could inhibit cooperation, permit the subject to evade apprehension, or cause interference with undercover activities.

§ 2003.9 Specific exemptions.

(a) The systems of records entitled "Investigative Files of the Office of Inspector General," "Hotline Complaint Files of the Office of Inspector General" and "Name Indices System of the Office of Inspector General" consist, in part, of investigatory material compiled by the OIG for law enforcement purposes. Therefore, to the extent that information in these systems falls within the coverage of exemption (k)(2) of the Privacy Act, 5 U.S.C. 552a(k)(2), these systems of records are exempt from the requirements of the following subsections of the Privacy Act, for the reasons stated below.

(1) From subsection (c)(3), because release of an accounting of disclosures to an individual who is the subject of an investigation could reveal the nature and scope of the investigation and could result in the altering or destruction of evidence, improper influencing of witnesses, and other evasive actions that could impede or compromise the investigation.

(2) From subsection (d)(1), because release of investigative records to an individual who is the subject of an investigation could interfere with pending or prospective law enforcement proceedings, constitute an unwarranted invasion of the personal privacy of third parties, reveal the identity of confidential sources, or reveal sensitive investigative techniques and procedures.

(3) From subsection (d)(2), because amendment or correction of investigative records could interfere with pending or prospective law

enforcement proceedings, or could impose an impossible administrative and investigative burden by requiring the OIG to continuously retrograde its investigations attempting to resolve questions of accuracy, relevance, timeliness and completeness.

(4) From subsection (e)(1), because it is often impossible to determine relevance or necessity of information in the early stages of an investigation. The value of such information is a question of judgment and timing: what appears relevant and necessary when collected may ultimately be evaluated and viewed as irrelevant and unnecessary to an investigation. In addition, the OIG may obtain information concerning the violation of laws other than those within the scope of its jurisdiction. In the interest of effective law enforcement, the OIG should retain this information because it may aid in establishing patterns of unlawful activity and provide leads for other law enforcement agencies. Further, in obtaining evidence during an investigation, information may be provided to the OIG which relates to matters incidental to the main purpose of the investigation but which may be pertinent to the investigative jurisdiction of another agency. Such information cannot readily be identified.

(b) The systems of records entitled "Investigative Files of the Office of Inspector General," "Hotline Complaint Files of the Office of Inspector General" and "Name Indices System of the Office of Inspector General" consist in part of investigatory material compiled by the OIG for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or Federal contracts, the release of which would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence. Therefore, to the extent that information in these systems falls within the coverage of Exemption (k)(5) of the Privacy Act, 5 U.S.C. 552a(k)(5), these systems of records are exempt from the requirements of subsection (d)(1), because release would reveal the identity of a source who furnished information to the Government under an express promise of confidentiality. Revealing the identity of a confidential source could impede future cooperation by sources, and could result in harassment or harm to such sources.

Dated: August 21, 1992.

John J. Connors,
Deputy Inspector General.

[FR Doc. 92-20562 Filed 8-26-92; 8:45 am]

BILLING CODE 4210-01-M

FEDERAL MARITIME COMMISSION

46 CFR Part 571

[Docket No. 92-46]

Unpaid Freight Charges

AGENCY: Federal Maritime Commission.

ACTION: Proposed interpretive rule.

SUMMARY: The Federal Maritime Commission proposes to add to its regulations in "Interpretations and Statements of Policy" a statement that the Commission does not have jurisdiction to adjudicate a complaint brought by an ocean common carrier against a shipper over unpaid ocean freight bills. Under this proposed jurisdictional ruling, such a complaint would be required to be brought in an appropriate court, similar to a suit for breach of a service contract. All pending Commission proceedings involving such complaints will be held in abeyance pending final action in this proceeding.

DATES: Comments due September 28, 1992.

ADDRESSES: Comments (original and 15 copies) are to be submitted to: Joseph C. Polking, Secretary, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573-0001, (202) 523-5725.

FOR FURTHER INFORMATION CONTACT: Robert D. Bourgoin, General Counsel, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573-0001, (202) 523-5740.

SUPPLEMENTARY INFORMATION:

Background

In recent years, a series of complaints has been filed with the Federal Maritime Commission ("FMC" or "Commission") by ocean common carriers seeking to recover unpaid freight from shippers. These complaints have been brought under section 10(a)(1) of the Shipping Act of 1984 ("1984 Act"), which provides that no person may * * *

* * * knowingly and wilfully, directly or indirectly, by means of false billing, false classification, false weighing, false report of weight, false measurement, or by any other unjust or unfair device or means obtain or attempt to obtain ocean transportation for property at less than the rates or charges that would otherwise be applicable * * *.

46 U.S.C. app. 1709(a)(1).

As described in more detail below, the passage of the 1984 Act removed a long-standing procedural barrier to complaints of any kind against shippers. The subsequent carrier freight collection complaints typically have not been defended by the shipper respondents, and default judgments have resulted.

However, an issue exists as to whether the Commission has substantive (as distinguished from procedural) jurisdiction over such complaints. As a general matter, the Commission may raise at any time an issue regarding its own jurisdiction, if it does so in an appropriate manner. See, e.g., *Judice v. Vail*, 430 U.S. 327, 331 (1977); *Liberty Mutual Insurance Co. v. Wetzel*, 414 U.S. 737, 740 (1976). In order to give interested persons a full opportunity to state their views, the Commission is raising this jurisdictional issue in the form of a proposed interpretive rule. Pending receipt of comments and issuance of a final rule, all current FMC proceedings involving unpaid freight allegations under section 10(a)(1) have been placed in hiatus.

A. Procedural History

Section 22 of the old Shipping Act, 1916 ("1916 Act"), allowed complaints that alleged violations by three specified classes: carriers and "other persons subject to the Act," which section 1 of the Act defined to mean freight forwarders and terminal operators. 46 U.S.C. 801, 821 (1982). Originally, the substantive prohibitions of the 1916 Act did not include shippers.

In 1936, section 16 of the 1916 Act was expanded to include a specific proscription against certain behavior by shippers.¹ A new initial paragraph stated:

That it shall be unlawful for any shipper, consignor, consignee, forwarder, broker, or other person, or any officer, agent, or employee thereof, knowingly and wilfully, directly or indirectly, by means of false billing, false classification, false weighing, false report of weight, or by any other unjust or unfair device or means to obtain or attempt to obtain transportation by water for property at less than the rates or charges which would otherwise be applicable.

Id. 815 (1982). However, no change was made in section 22 regarding private complaints. Shipper transgressions against the new provision of section 16 created only a public remedy, i.e., criminal penalties which were to be sought in the courts by the Department of Justice ("DOJ").² both before³ and

¹ Pub. L. No. 74-685, 49 Stat. 1516.

² Section 16 originally stated: "Whoever violates any provision of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$5,000 for each offense." Enforcement actions could be initiated either by DOJ originally, *United States v. American Union Transport, Inc.*, 232 F.Supp. 700 (D.N.J. 1962), or by an initial investigation by the Commission and a later referral to DOJ, e.g., *In Re: Rubin, Rubin and Rubin Corp.*, 6 F.M.B. 235 (1961).

³ *Prince Line, Ltd. v. American Paper Products, Inc.*, 55 F.2d 1053, 1056 (2d Cir. 1932).

after⁴ the 1936 amendment to section 16, complaints by carriers seeking reparations from shippers were held to be unauthorized by the 1916 Act. This applied to any private reparations complaint against a shipper, not just carrier complaints seeking reparations for unpaid freight; a shipper simply was not liable for reparations under the old 1916 Act.

In 1972, Congress decriminalized the provision of section 16 addressed to shippers, changing the criminal penalty to a civil penalty in the same amount.⁵ Enforcement authority remained with DOJ until 1979, when the penalties were increased substantially and the Commission was given authority to assess or compromise penalties in the context of a Commission investigation.⁶ Nonetheless, no provision was made for private reparations actions against shippers. This did not occur until passage of the 1984 Act, section 11(a) of which authorizes complaints for reparations for any injury caused by any violation of the Act, 46 U.S.C. app. 1710(a), without the former restriction to violations by carriers, terminal operators and freight forwarders. A few years after the enactment of this new complaint provision, FMC Docket No. 89-10, *Safbank Line Limited v. The Hairlox Co., Inc.*, began a steady stream of carrier actions before the Commission seeking to collect freight charges from shippers.⁷

The 1984 Act freight collection cases have been filed under section 10(a)(1), but that part of the new Shipping Act simply carried forward in essentially unchanged language, without comment of any kind from Congress,⁸ the initial paragraph added in 1936 to section 16. Also, there is no indication in the legislative history or elsewhere that Congress meant to expand the Commission's substantive jurisdiction in enacting section 11(a)'s complaint-filing provision.⁹ Thus, the legislative history and the subsequent case law interpretations of the original section 16, initial paragraph, are the best available guides to the proper scope of section 10(a)(1).

B. Substantive Jurisdiction

The addition in 1936 of the shipper prohibitions to section 16 was urged by carriers, which complained that deceptive practices by shippers during the first twenty years of the 1916 Act could not be reached under the Act as it then stood.¹⁰ The House Committee stated that the amendment was meant to protect carriers (and honest shippers) from dishonest shippers seeking to cheat on their freight bills:

The purpose of this legislation is to extend to the common carriers by water protection similar to that extended to common carriers by land against the use of false billing, false labeling, false or misclassification of freight, or other means or devices used by shippers for the purpose of securing from the carrier a lower rate for the transportation of property by water than that currently in force by the carrier.

False Billing, H.R. Rep. No. 2205, 74th Cong., 2d Sess. 1 (1936). An important benefit of the legislation, in the carriers' view, was that such shipper practices were made subject to a uniform federal standard rather than varying state fraud laws, which were viewed as an unsatisfactory deterrent.¹¹

However, the carriers did not also seek to expand the jurisdiction of the Commission's predecessor (at the time, the United States Shipping Board Bureau) to include private complaints seeking recovery of unpaid freight. It appears that the carriers expected to continue to pursue unpaid freight through civil litigation in the courts, while any underlying deception or concealment would be subject to a separate (and perhaps parallel) criminal prosecution under the new provision of section 16. One of the carrier witnesses before the House Committee had stated:

Insofar as it lies in our power, we, of course, for purely selfish reasons wish to get our proper charges. But Congress has not gone far enough. It must make it a misdemeanor on the part of the shipper to indulge in those practices forbidden in that act. Naturally, any time that we catch a shipper using false billing, we call upon him for the additional freight charges, but there is no punishment to the man involved.

False Billing, Hearings on S. 3467 before the House Committee on Merchant Marine and Fisheries, 74th Cong., 2d Sess. 5 (1936) (testimony of Daniel H. Walsh, General Secretary, Gulf Associated Freight Conferences). In recommending passage of the bill, the House Committee quoted a similar statement from the same witness that,

¹⁰ *False Billing*, Hearings on S. 3467 before the House Committee on Merchant Marine and Fisheries, 74th Cong., 2d Sess. 5 (1936).

¹¹ N. 14 *supra*, at 2.

with respect to existing cases of shippers obtaining transportation at improperly low rates, carriers had "already collected certain amounts [of the charges underpaid] and will enforce the collection of the existing amount due if the assets of offending shipper permit." *False Billing*, H.R. Rep. No. 2598, 74th Cong., 2d Sess. 3 (1936).¹²

There is no indication in the legislative history of the 1936 amendment that a simple failure by a shipper to pay ocean freight charges was to be considered a chargeable offense under the original criminal penalties attached to section 16, or, later, a violation subject to civil penalties under the 1972 and 1979 amendments. The hearings and the House Reports were concerned exclusively with active subterfuges, especially false declarations and false weighing. H.R. Rep. No. 2598 at 2-4; H.R. Rep. No. 2205 at 1-2; Hearings at 2-3, 5, 16-18, 21-23.¹³ For the most part, administration of the statute by the Commission and its predecessors was similarly focused. In *Pacific Far East Lines—Alleged Rebates*, 11 F.M.C. 357 (1968), *aff'd*, 410 F.2d 257 (D.C. Cir. 1969), the Commission stated that section 16 was "aimed at protecting competing shippers and carriers from shippers who attempt to obtain (or succeed in obtaining) transportation at reduced rates through devices or representations involving fraud, falsehood, or concealment." 11 F.M.C. at 362. The Commission further advised that the statute's secondary reference to "unjust or unfair device or means" did not broaden its scope:

These words have a restrictive meaning derived from their proximity to the words "false billing," etc. . . . Applying the principles of *ejusdem generis*, the Commission and the courts have uniformly held that the act forbidden must be similar to those specifically proscribed in order to be an unjust or unfair device or means. In other words, the unjust or unfair device or means must partake of some element of falsification, deception, fraud, or concealment, in order to satisfy the legal requirements of these subsections.

Id. at 364 (footnotes omitted).¹⁴

¹² The House Committee issued two reports on the bill.

¹³ In order to show what practices were targeted by the new statute, the Committee quoted extensively from "war story" testimony by a witness who had been employed at a bureau established by several carriers to police against false description of merchandise and incorrect weights. H.R. Rep. No. 2598 at 4.

¹⁴ *Accord*, *United States v. Open Bulk Carriers*, 727 F.2d 1061, 1064-65 (11th Cir. 1984); *Levatino & Sons, Inc. v. Prudential-Grace Lines*, 18 F.M.C. 62, 113 (1974).

⁴ *Maritime Service Corp. v. Plaza Provision Co.*, Inc., 13 S.R.R. 524 (1973).

⁵ Pub. L. No. 92-418, 86 Stat. 653.

⁶ Pub. L. No. 96-25, 93 Stat. 71.

⁷ The current 1916 Act, which applies to the domestic offshore trades, continues to limit complaints to those against carriers, freight forwarders and terminal operators. 46 U.S.C. app. 801, 821. This proposed interpretive rule thus concerns only the Commission's foreign commerce jurisdiction under the 1984 Act.

⁸ See H.R. Rep. No. 53 (Part I), 98th Cong., 1st Sess. 35-36 (1983), reprinted in 1984 U.S. Code Cong. & Admin. News 167, 200-201.

⁹ See n.12 *supra*, at 36-37.

Capitol Transportation, Inc. v. United States, 612 F.2d 1312 (1st Cir. 1979), presented facts bearing some similarities to the current freight collection complaints. The Commission found that Capitol Transportation, Inc. ("Capitol"), and seven other non-vessel-operating common carriers had violated section 16 by refusing to pay demurrage charges billed to them in their capacity as cargo consignees by various complaining ocean carriers.¹⁶ Capitol had continually asserted baseless defenses to longstanding demurrage claims even after its own auditor had verified the amounts of the claims, conspired with the other respondents to boycott the ocean carrier's collection agent and to seek illegal concessions, and raised other objections to paying its bills that the Commission found were essentially tactical maneuvers.¹⁶

On appeal, Capitol cited the Commission's *Pacific Far East Lines* decision and argued that section 16 did not apply to an open refusal to pay demurrage because the statute required fraud or concealment. The First Circuit noted that the Commission had rejected that proposition in its decision, saying without elaboration that "section 16 is not so limited."¹⁷ The court then stated:

If by this the Commission meant to say that a carrier's mere stubborn but good faith refusal to pay a disputed rate or charge constitutes an "unjust or unfair device or means," we disagree. The language of Section 16, language which speaks in terms of both willful and knowing conduct and false billing, false classification, false weighing and other unjust or unfair mechanisms, cannot be read so broadly.

612 F.2d at 1323. The court proceeded to accept the Commission's finding that, in any event, fraud or concealment was established:

* * * The Commission could properly find on this record that Capitol's refusal to pay had never been based upon a good faith legal defense, but simply reflected a calculated judgment to fight [the collection agent] to the end, forcing it to pay in blood, sweat and treasure for every penny eventually collected. On the merits of the demurrage claim, Capitol failed to present a legal defense of any substance, and belatedly raised a variety of every-changing contentions after the time for discovery or hearing was over. Those facts, coupled with earlier correspondence indicating an adamant and legally

unexplained resistance to the notion of [the collection agent's] centralized demurrage billing procedures entitled the Commission to conclude that Capitol was not only knowing and willful in its refusal to pay, but that its policies, conducted as they were in bad faith, were tantamount to an unjust or unfair means of obtaining transportation by water at lower than applicable rates. Although it would not be proper to extend this rationale to cases involving refusal to pay based on honest differences, we think the conduct reflected in the present record was sufficiently egregious to support the Commission's finding that the requisite element of fraud or concealment was here established. * * * A calculated effort in bad faith to avoid the payment of demurrage legitimately owing would, if successful, allow shippers and consignees to accomplish what Section 16 was intended to prevent—the receipt of carrier service at less than applicable rates and at less than rates charged to competitors.

Id. at 1323-24 (emphasis supplied). However, the court ended this discussion by warning that Capitol's conduct, "egregious" though it was, "undoubtedly nears the outer limits of section 16 * * *." *Id.* at 1324.

c. The Recent Collection Complaints

Against that backdrop, the freight collection complaints filed under section 10(a)(1) over the last three years raise serious jurisdictional concerns. These complaints have not alleged the bedrock section 10(a)(1) requirements of fraud, deception, misclassification, false weighing or similar malpractices. Instead, they have typically pleaded only that the respondent shipper failed to pay ocean freight, that this by itself amounted to a violation of section 10(a)(1), and that reparations should be awarded in the amount of the unpaid freight. Based on the relevant case law and especially the legislative history of the 1936 amendment, it appears, however, that the act of failing to pay a freight bill is not, in and of itself, an "unjust or unfair device or means" within the meaning of that phrase intended by Congress. Sound policy reasons may exist as to why carrier complaints seeking to collect unpaid freight from a shipper should be brought under the Commission's jurisdiction. Under present law, however, it appears that such complaints do not state a case under section 10(a)(1) of the 1984 Act and should henceforth return to the courts.¹⁸

¹⁸ The precedent of *Capitol Transportation* makes it theoretically possible for the Commission to assert section 10(a)(1) jurisdiction over situations where overt failure to pay freight is part of a larger pattern that includes covert attempts to subvert the tariff system and cause the carrier harm compounded beyond the owed freight charges. However, no complaints similar to *Capitol Transportation* have been brought before the

As previously noted, the shipper respondent in the recent freight collection cases has often failed to answer the complaint or to respond to procedural orders from the administrative law judge, and default judgments have been entered. *E.g.*, *Deppe Line GmbH & Co. v. Total Tank Distribution Inc.*, 25 S.R.R. 837, *administratively final*, No. 89-28 (F.M.C. Apr. 9, 1990); *Sofbank Line Limited v. Royale International Transport, Inc.*, 25 S.R.R. 951, *administratively final*, No. 90-5 (F.M.C. June 8, 1990). However, when the shipper has defended, uncertainties as to Commission jurisdiction have been clearly present. *See China Ocean Shipping Co. v. DMV Ridgeview, Inc.*, *motion to dismiss granted*, 26 S.R.R. 50 (A.L.J.), *administratively final*, No. 91-37 (F.M.C. Dec. 23, 1991), *reconsideration denied on other grounds*, 26 S.R.R. 200 (1992). As a basic principle of administrative law, if the Commission cannot regulate freight disputes under the terms of the 1984 Act, it may not do so by reference to agency rules of procedure. Substantive jurisdiction under the 1984 Act is created by Congress in writing the statute and delegating administrative authority to the Commission; it is not created as a result of procedural failings before the Commission by private persons. It is, after all, at least theoretically possible that a shipper might ignore a freight collection complaint because it believes that the Commission has no jurisdiction over the matter. By operation of Commission Rule 64(a), 46 CFR 502.64(a), silence on the part of a shipper respondent to a complaint might mean that the shipper can be deemed to have admitted that it failed to pay lawfully assessed ocean freight charges, but a rule of practice cannot create Commission authority to give legal significance—in the form of a reparations award—to such an admission if no such authority exists in the Shipping Act itself.

Because carrier complaints seeking reparations for unpaid freight continue to be filed regularly with the commission, the Commission believes that it would provide useful guidance for the ocean shipping industry to promulgate an interpretive rule which, for the reasons set forth above, states the FMC's view that section 10(a)(1) does not apply to such complaints.

¹⁶ The Commission's decision is reported at 21 F.M.C. 194, *reconsideration denied*, 21 F.M.C. 561 (1979), under the title *Sea-Land Service, Inc. v. Acme Fast Freight of Puerto Rico*. The Commission could hear this complaint under the 1916 Act because the respondents were carriers as well as cargo consignees and thus covered by former section 22.

¹⁷ See 21 F.M.C. at 204-206.

¹⁸ 21 F.M.C. at 196 (footnote omitted).

Commission in the intervening thirteen years, and the case may turn out to be *sui generis*. There is certainly little apparent resemblance between the wide-ranging conspiracy to avoid demurrage in *Capitol Transportation* and the one-count, single-respondent freight collection complaints now being filed under section 10(a)(1).

Interested members of the public are invited to comment on the legal analysis set forth above.

List of Subjects in 46 CFR Part 571

Administrative practice and procedure, Antitrust, Maritime carriers.

Therefore, pursuant to 5 U.S.C. 553 and section 17 of the Shipping Act, 1984, 46 U.S.C. app. 1716, part 571 of title 46, Code of Federal Regulations, is proposed to be amended as follows:

1. The authority citation for part 571 continues to read as follows:

Authority: 5 U.S.C. 553; 46 U.S.C. app. 1706, 1707, 1709 and 1716.

2. Part 571 is amended by adding a new § 571.2 to read as follows:

§ 571.2 Interpretation of Shipping Act of 1984—unpaid ocean freight charges.

Section 10(a)(1) of the Shipping Act of 1984 states that it is unlawful for any person to obtain or attempt to obtain ocean transportation for property at less than the properly applicable rates, by any "unjust or unfair device or means." The Federal Maritime Commission interprets this provision as not applying to a simple failure by a shipper to pay ocean freight bills for transportation rendered by a common carrier, in the absence of additional conduct constituting an unjust or unfair device or means, such as false measurement or false commodity description. By the Commission.

Joseph C. Polking,
Secretary.

[FR Doc. 92-20529 Filed 8-26-92; 8:45 am]

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INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1201 and 1262

[Ex Parte No. 512]

Uniform System of Records of Property Changes for Railroad Companies

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is seeking public comment on a proposal to eliminate 49 CFR part 1262, Uniform System of Record of Property Changes for Railroad Companies, from the Code of Federal Regulations. Because the instructions contained in 49 CFR part 1201 provide sufficient guidelines to support accounting entries in the property accounts, it is no longer necessary to require railroads to

maintain records in the format specified in part 1262. The requirement for submission of property data in the Annual Report Form R-1 would still exist and is sufficient for our needs. We also propose to delete the reference to part 1262 contained in part 1201 Instruction 1(g).

DATES: We propose that this action would be effective for the reporting year beginning January 1, 1993. Comments are due by September 28, 1992.

ADDRESSES: Send an original and 10 copies of comments referring to Ex Parte No. 512 to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Ward L. Ginn, Jr., (202) 927-6187 (TDD for hearing impaired: (202) 927-5721).

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To receive a copy of the full decision, write to, call, or pick up in person from: Office of the Secretary, room 2215, Interstate Commerce Commission, Washington, DC 20423. Telephone (202) 927-7428. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

Environmental and Energy Considerations

We preliminarily conclude that the proposed action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Initial Regulatory Flexibility Analysis

Pursuant to 5 U.S.C. 603, we are required to examine the impact of a proposed action on small entities. We preliminarily conclude that the action proposed in this proceeding will not have a significant economic impact on a substantial number of small entities. The purpose and effect of the proposed action is to reduce regulation. No new reporting or other requirements are imposed, directly or indirectly, on small entities. The impact, if any, will be to reduce the amount of records that must be kept by railroad companies.

List of Subjects in 49 CFR

Part 1201

Railroads, Reporting and recordkeeping requirements, Uniform system of accounts.

Part 1262

Railroads, Reporting and recordkeeping requirements.

Decided: August 18, 1992.

By the Commission, Chairman Philbin, Vice Chairman McDonald, Commissioners Simmons, Phillips, and Emmett.
Anne K. Quinlan,
Acting Secretary.

For the reasons set forth in the preamble, title 49, chapter X, of the Code of Federal Regulations is proposed to be amended as follows:

PART 1201—RAILROAD COMPANIES

1. The authority citation for part 1201 continues to read as follows:

Authority: 5 U.S.C. 553 and 49 U.S.C. 11166.

Subpart A—[Amended]

2. In subpart A under the heading "General Instructions," Instruction 1-3 is amended by removing paragraph (g).

PART 1261—[REMOVED]

3. Under the authority 49 U.S.C. 10784, part 1261 is proposed to be removed.

[FR Doc. 92-20603 Filed 8-26-92; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

[Docket No. 920810-2210]

RIN 0648-AE23

Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

AGENCY: National Marine Fisheries Service (NMFS) NOAA, Commerce.

ACTION: Proposed rule.

SUMMARY: NMFS issues this proposed rule to implement Amendment 6 to the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). This proposed rule would: Allow the earned income requirement for a commercial vessel permit for king or Spanish mackerel to be met in any one of the 3 years preceding the permit application; change the fishing year for recreational bag limits to the calendar year; remove the provisions for reducing a recreational bag limit to zero during a fishing year; increase the minimum size limit for king mackerel to 20 inches (50.8 cm); implement commercial vessel trip limits for Atlantic migratory group Spanish mackerel; and make corrections and clarifications to the regulations to conform them to current usage. In

addition, Amendment 6 would: Revise the problems and objectives of the FMP; specify periods for rebuilding overfished stocks; change the required frequency of stock assessments from annual to biennial; add to the management measures that may be implemented or modified by the framework procedure; and provide for the establishment of separate subgroups and allocations of the Gulf migratory group of king mackerel, divided at the Florida/Alabama boundary, when the assessment panel is able to provide ranges of acceptable biological catch for the subgroups. This rule and Amendment 6 are intended to protect the coastal migratory pelagic resources from overfishing, continue stock rebuilding programs of king and Spanish mackerel while allowing catches by important recreational and commercial fisheries dependent on them, improve management of the resources, and clarify the regulations.

DATES: Written comments must be received on or before October 8, 1992.

ADDRESSES: Copies of Amendment 6, which includes an environmental assessment/regulatory impact review/initial regulatory flexibility analysis may be obtained from the Gulf of Mexico Fishery Management Council, 5401 W. Kennedy Boulevard, suite 331, Tampa, FL 33609, or from the South Atlantic Fishery Management Council, Southpark Building, One Southpark Circle, Suite 306, Charleston, SC 29407-4699.

Comments on the proposed rule should be sent to Mark F. Godcharles, NMFS, Southeast Regional Office, 9450 Koger Boulevard, St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Mark F. Godcharles, 813-893-3161.

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, cero, cobia, little tunny, dolphin, and, in the Gulf of Mexico only, bluefish) is managed under the FMP, prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils), and its implementing regulations at 50 CFR part 642, under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

Amendment 6 Changes to the Regulations

In accordance with Amendment 6 to the FMP, this proposed rule would allow the earned income requirement for a commercial vessel permit for king or Spanish mackerel to be met in any one of the 3 years preceding the permit application. Currently, the owner or

operator of a vessel must document that at least 10 percent of his or her earned income during the calendar year preceding the application was derived from commercial fishing, that is, sale of catch. An earned income requirement based solely on the previous year's earned income has caused undue hardship on some individuals who qualify as long-term commercial fishermen but who were unable to fish because of illness or temporary loss of vessel during the preceding year. This rule would alleviate these hardship cases while still restricting non-commercial fishermen to the bag limits.

This proposed rule would change the fishing year for recreational bag limits to the calendar year. Currently, the fishing year for recreational allocations and bag limits commences on July 1 for Gulf group king mackerel and on April 1 for all other groups of king and Spanish mackerel. In recent years, the Councils have recommended bag limits in April but they have not been implemented until July or August, after the fishing years have started. Fishing years for the recreational bag limits commencing on January 1 will provide ample time for Federal implementation, will provide the states an opportunity to adopt compatible regulations applicable to their waters, and will provide a standard date on which recreational fishermen may expect any changes in bag limits.

This proposed rule would also remove the procedure whereby a bag limit for king or Spanish mackerel is reduced to zero when the recreational allocation for an overfished migratory group is reached. In lieu thereof, the recreational fishery would be managed by bag limits that would remain unchanged through the fishing year. Allowing a bag limit to remain unchanged provides equal opportunity and access to anglers in all geographic areas through which king and Spanish mackerel may migrate during that year. The Councils believe this change would encourage states to set bag limits applicable to their waters that are consistent with the bag limits in the exclusive economic zone.

With reliance on the bag limits for management of the recreational mackerel fisheries, the recreational allocations would no longer be specified in the regulations. However, the Councils would continue to propose recreational allocations and bag limits via the framework procedure.

Amendment 6 proposes that, if the Director Southeast Region, NMFS, determines that a Council-proposed bag limit for an overfished group of Gulf king mackerel would result in exceeding the approved recreational allocations for

such group, the Council-proposed bag limit for that group will be disapproved and a bag limit of one per person per day will be implemented in its place.

This proposed rule would increase the minimum size limit for king mackerel to 20 inches (50.8 cm), fork length, from the current minimum size limit of 12 inches (30.5 cm), fork length. The proposed change would increase the yield per recruit and allow more king mackerel to reach sexual maturity. The commercial fishery would be relatively unaffected because few small fish are taken with commercial gear. Catch in the recreational fishery would be expected to be reduced, thereby reducing the likelihood that the recreational allocations would be exceeded under the management regime of controlling recreational catch solely by the bag limits. To prevent confusion and enhance enforceability, this rule would remove the equivalent total lengths for the prescribed fork lengths.

This proposed rule would establish commercial vessel trip limits, expressed as possession and landing limits, for Atlantic group Spanish mackerel. In the northern zone, north of the Florida/Georgia boundary, the limit would be 3,500 pounds (1,588 kg). In the southern zone, south of the Florida/Georgia boundary, the limits would vary depending on the season and the amount of Spanish mackerel caught relative to the commercial allocation. (The specific trip limits for the southern zone are located in the proposed codified text under § 642.27(a)(2)). Trip limits in the southern zone would be expected to be compatible with similar limits applicable to Florida's waters. The commercial vessel trip limits in the southern zone are intended to extend the harvest season and to allocate fairly the available resource among users. Under ideal weather conditions and availability of Spanish mackerel, the Florida east coast gillnet fishery has the capacity to harvest over 400,000 pounds (181,439 kg) per day. Unlimited, gillnet fishermen could take most of the commercial allocation within a week.

The adjusted allocation of Atlantic migratory group Spanish mackerel upon which the trip limit segments would be based would be 3.25 million pounds (1.47 million kg). This adjusted allocation is the commercial allocation for Atlantic migratory group Spanish mackerel reduced by a revised amount calculated to allow continued harvests of Atlantic group Spanish mackerel at the rate of 500 pounds (227 kg) per vessel per day for the remainder of the fishing year after the adjusted quota is reached. The Assistant Administrator

for Fisheries, NOAA (Assistant Administrator), by publication of a notice in the *Federal Register*, would announce when 80 percent and 100 percent of the adjusted allocation is reached or is projected to be reached, thus initiating a new trip limit segment.

Additional Changes in Amendment 6

Amendment 6 would change the FMP's list of problems in the fishery by revising three of the problems and adding three additional problems. An additional management objective would be added.

Amendment 6 would establish recovery periods not to exceed 12 years, starting in 1985, and 7 years, starting in 1987, for rebuilding overfished stocks of king and Spanish mackerel, respectively. These proposed recovery periods are slightly more than the generation time for each species. The Councils believe the proposed recovery periods are appropriate time frames for remedial management measures to be effective without closing the fisheries or otherwise having a severe economic or social impact on participants in the fisheries.

Under Amendment 6, an assessment group appointed by the Councils would normally reassess the condition of each stock of king mackerel, Spanish mackerel, and cobia in alternate years, rather than annually. The Councils believe that annual assessments are unnecessarily frequent and that changes over such a brief time span are difficult to measure.

Amendment 6 would add to the management measures that may be established or modified via the framework procedure of the following: size limits, vessel trip limits, adjusted allocations applicable to vessel trip limits, closed seasons or areas, and gear restrictions. These additions would provide the Councils and NMFS greater flexibility in responding efficiently to management needs to restore overfished stocks and achieve optimum yield.

Under Amendment 6, when the Councils' stock assessment panel is able to provide ranges of acceptable biological catch for separate subgroups within the Gulf migratory group of king mackerel, the subgroups will be separated at the Florida/Alabama boundary. Within each subgroup, recreational/commercial allocations would continue at 88/32 percent of the total allowable catch. The Councils believe separation of Gulf migratory group king mackerel could provide a better opportunity to address the management requirements of each subgroup.

A more detailed discussion of these measures and of the revised problems and objectives of the FMP is contained in Amendment 6, the availability of which was announced in the *Federal Register* on August 17, 1992 (57 FR 36972).

Additional Changes Proposed by NMFS

NMFS proposes to remove definitions and figures that are no longer used or needed. The definition for "charter vessel," which includes a headboat, is revised to conform to current usage. To conform the regulations to current standards and to incorporate the changes in Amendment 6, NMFS proposes to restate the prohibitions (§ 642.7) and the management measures (subpart B) in their entirety. In general, the management measures would progress from general to specific provisions. Sale of undersized fish not lawfully possessed would be prohibited as would attempts to sell such fish or fish taken from a closed species/migratory group/zone. In addition, NMFS proposes to remove the specifics of (1) the procedures and restrictions to prevent gear conflicts in the area off the east coast of Florida, and (2) the procedures and limitations applicable to the framework procedure for establishing or modifying certain management measures. In both cases, the specifics apply to the Councils and NMFS but are not regulatory in nature; that is, they do not control the behavior of fishermen. The procedures restrictions and limitations, and the Councils' definition of "conflict," would remain in effect as part of the FMP, as amended. The framework procedure, as it would apply if Amendment 6 is approved, is succinctly presented in Appendix I of Amendment 6.

Under the current framework procedures, NMFS proposed changes in certain of the allocations, quotas, and bag limits for king and Spanish mackerel (57 FR 33924, July 31, 1992). Those framework changes are expected to be approved or disapproved prior to decisions on approval, disapproval, or partial disapproval of Amendment 6. The bag limits in § 642.24(a)(1) and the commercial allocations and quotas in § 642.25(a) and (b) of this proposed rule are those proposed at 57 FR 33924. In the event all or part of the framework changes are disapproved, concomitant changes in the allocations, quotas, and bag limits in this proposed rule may be required.

Classification

Section 304(a)(1)(D)(ii) of the Magnuson Act requires the Secretary of Commerce (Secretary) to publish

regulations proposed by a council within 15 days of receipt of an FMP amendment and regulations. At this time, the Secretary has not determined that Amendment 6, which this proposed rule would implement, is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, will take into account the data, views, and comments received during the comment period.

This proposed rule is exempt from the procedures of E.O. 12291 under section 8(a)(2) of that order. It is being reported to the Director, Office of Management and Budget, with an explanation of why it is not possible to follow the procedures of that order.

The Assistant Administrator has initially determined that this proposed rule is not a "major rule" requiring the preparation of a regulatory impact analysis under E.O. 12291. This proposed rule, if adopted, is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Councils prepared a regulatory impact review (RIR) that concludes that this rule is expected to have the economic effects summarized as follows. Allowing the earned income requirement for a commercial vessel permit for mackerels to be met in any one of the 3 years preceding the permit application would have positive benefits in terms of equity to fishermen and the quality of the permits issued. Changing the fishing year for recreational fisheries to the calendar year would not have directly measurable effects but would reduce enforcement costs if the January 1 implementation of changes in Federal bag limits enables states to enact compatible bag limits in their waters. Removing the provision for reversion of a bag limit to zero when a recreational allocation is reached would have positive benefits for recreational fishermen and would reduce enforcement costs. Increasing the minimum size limit for king mackerel may increase the angler consumer surplus. Commercial trip limits for Atlantic group Spanish mackerel would increase enforcement costs but would have positive benefits for the commercial sector. A copy of the RIR,

which also evaluates the economic effects of the other measures contained in Amendment 6, is available from the Councils (see ADDRESSES).

The Councils prepared an initial regulatory flexibility analysis (IRFA) as part of the RIR, which concludes that this proposed rule, if adopted, would have significant economic effects on a substantial number of small entities. Specifically, commercial trip limits for Atlantic group Spanish mackerel are likely to decrease gross revenues for large vessels and increase gross revenues for small vessels. A copy of the IRFA is available from the Councils (see ADDRESSES).

The Councils prepared an environmental assessment (EA) that discusses the impact on the environment as a result of this rule. A copy of the EA is available and comments on it are requested (see ADDRESSES).

NMFS conducted a consultation under section 7 of the Endangered Species Act (ESA) and prepared a biological opinion concerning this rule. As a result of the review of information available on the biology and ecology of the endangered and threatened species (listed species) in the area of management of coastal migratory pelagic resources, NMFS determined that: (1) Amendment 6 does not contain any regulatory changes that would adversely affect listed species of sea turtles, marine mammals, or fish, or their respective habitats; (2) the fisheries for coastal migratory pelagic resources will not jeopardize the continued existence of any listed species; (3) the gillnet fisheries may adversely affect the recovery of listed species of sea turtles; and (4) additional information on the extent of incidental take of listed species of sea turtles by gillnets is needed. The conservation recommendations of the biological opinion are that NMFS should: (1) Continue to collect and evaluate stranding and entanglement data as an additional means of determining trends in fishery interactions; and (2) encourage states to adopt necessary management measures that will reduce the potential for endangered species entanglements in inshore fishing gear. In compliance with ESA requirements for actions that may involve a take of listed species, NMFS issued an Incidental Take Statement (ITS) specifying the impact of the incidental takings and specifying reasonable and prudent measures necessary to minimize impacts of the fisheries for coastal migratory pelagic resources. Those reasonable and prudent measures include: (1) NMFS should implement a regional observer program to document incidental capture,

injury, and mortality of listed species, with emphasis on gillnet and longline fisheries; (2) regulations should be implemented to reduce/eliminate mortalities in any fisheries where the take of listed species exceeds levels specified in the ITS; (3) all incidents of take of listed species must be reported to NMFS within 10 days of the take; and (4) any sea turtle incidentally taken must be handled with due care to prevent injury, observed for activity, and returned to the water, as specified in 50 CFR 227.72(e)(1)(i).

The Councils have determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal management programs of Alabama, Florida, Delaware, Maryland, Louisiana, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, and Virginia. Georgia and Texas do not participate in the coastal management program. These determinations have been submitted for review by the responsible state agencies under section 307 of the Coastal Zone Management Act.

This proposed rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

List of Subjects in 50 CFR Part 642

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: August 21, 1992.

William W. Fox, Jr.,

Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 642 is proposed to be amended as follows:

PART 642—COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND SOUTH ATLANTIC

1. The authority citation for part 642 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

§ 642.1 [Amended]

2. In § 642.1, in paragraph (a), the word "developed" is revised to read "prepared".

3. In § 642.2, the definitions for "Acceptable biological catch (ABC)", "Allocation", "Charter vessel crew", "Conflict", "Overfished", "Overfishing", "Recreational fishery", "Species", "Total allowable catch (TAC)", and

"Total length" are removed; in the definition for "Councils", paragraphs (a) and (b) are redesignated as paragraphs (1) and (2), and in newly designated paragraph (2), "Suite 881" is revised to read "Suite 331"; in the definition for "EEZ", paragraphs (a), (b), and (c) are redesignated as paragraphs (1), (2), and (3); in the definition for "Science and Research Director", the phrase "Southeast Fisheries Center" is revised to read "Southeast Fisheries Science Center"; in the definition for "Statistical area", the reference "Figure 3" is revised to read "Figures 1 and 2 of this part"; and the definitions for "Charter vessel" and "Migratory group" are revised to read as follows:

§ 642.2 Definitions.

Charter vessel (includes a headboat) means a vessel—

(1) Less than 100 gross tons (90.8 metric tons) that meets the requirements of the Coast Guard to carry six or fewer passengers for hire and that carries a passenger for hire at any time during the calendar year; or

(2) That holds a valid Certificate of Inspection issued by the Coast Guard to carry passengers for hire.

A charter vessel with a permit to fish under a commercial allocation for king or Spanish mackerel is considered to be operating as a charter vessel when it carries a passenger who pays a fee or when there are more than three persons aboard, including operator and crew.

Migratory group means a group of fish that may or may not be a separate genetic stock but which may be treated as a separate stock for management purposes. (See § 642.21(a) for the seasonal, geographical boundaries between migratory groups of king mackerel and § 642.21(b) for the geographical boundary between migratory groups of Spanish mackerel.)

4. In § 642.4, paragraphs (a)(1)(i), (a)(1)(ii), and (b)(2)(vi) are revised to read as follows:

§ 642.4 Permits and fees.

(a) * * *

(1) * * *

(i) For a person who fishes aboard a vessel in the EEZ to be eligible for the incidental catch allowance for undersized king and Spanish mackerel specified in § 642.23(b), to be eligible for exemption from the bag limits specified in § 642.24(a), and to fish under a commercial allocation specified in § 642.2 (a) or (b), a vessel permit for king

and Spanish mackerel must be issued to the vessel and be on board.

(ii) A vessel permit for king and Spanish mackerel may be obtained by a qualifying owner or operator of a charter vessel. However, a person aboard such vessel must adhere to the bag limits when the vessel is operating as a charter vessel.

(b) * * *

(2) * * *

(vi) A sworn statement by the applicant certifying that, during one of the 3 calendar years preceding the application, at least 10 percent of his or her earned income was derived from commercial fishing, that is, sale of the catch;

5. In § 642.5, in paragraph (a) introductory text, the phrase "under § 642.4(a)(1)" is revised to read "for king and Spanish mackerel"; in paragraph (a)(3), the parenthetical phrase "(see figure 3)" is revised to read "(see figures 1 and 2 of this part)"; in paragraph (b) introductory text, the phrase "permit under § 642.4(a)(2)" is revised to read "charter vessel permit for coastal migratory pelagic fish"; and in paragraphs (e) and (f) are revised to read as follows:

§ 642.5 Recordkeeping and reporting.

(e) *Availability of fish for inspection.* An owner or operator of a vessel, a dealer, or a processor must make any coastal migratory pelagic fish, or parts thereof, available, upon request, for inspection by the Science and Research Director for the collection of additional information or by an authorized officer.

(f) *Alternate Science and Research Director.* For the purposes of paragraphs (c) and (e) of this section, in the states from New York through Virginia, or in the waters off those states, the term "Science and Research Director" means the Science and Research Director, Northeast Fisheries Science Center, NMFS, Woods Hole, MA 02543, telephone 508-548-5123, or a designee.

6. Section 642.7 is revised to read as follows:

§ 642.7 Prohibitions.

In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person to do any of the following:

(a) Fish for coastal migratory pelagic fish in the EEZ, or possess a coastal migratory pelagic fish in or from the EEZ, aboard a charter vessel that does not have a permit, as specified in § 642.4(a)(2).

(b) Falsify information specified in § 642.4(b)(2) or (c)(2) on an application for a permit.

(c) Fail to display a permit, as specified in § 642.4(h).

(d) Falsify or fail to maintain, submit, or provide information required to be maintained, submitted, or provided, as specified in § 642.5(a) through (d).

(e) Fail to make a coastal migratory pelagic fish, or parts thereof, available for inspection, as specified in § 642.5(e).

(f) Falsify or fail to display and maintain vessel identification, as specified in § 642.6.

(g) Fish in the EEZ for coastal migratory pelagic fish with prohibited gear or possess any coastal migratory pelagic fish in or from the EEZ aboard a vessel with prohibited gear aboard, as specified in § 642.22(a).

(h) Fish in the EEZ for king or Spanish mackerel with a gillnet with a mesh size less than the minimum allowable, or possess king or Spanish mackerel in or from the EEZ on a vessel that has aboard a gillnet with a mesh size less than the minimum allowable, as specified in § 642.22(b).

(i) Possess a king mackerel, Spanish mackerel, or cobia smaller than the minimum size limits, as specified in § 642.23(a)(1), except for the incidental catch allowance specified in § 642.23(b).

(j) Sell, purchase, trade, or barter, or attempt to sell, purchase, trade, or barter a king mackerel, Spanish mackerel, or cobia smaller than the minimum size limits, as specified in § 642.23(a)(2), except for such undersized king and Spanish mackerel that may be lawfully possessed under § 642.23(b).

(k) Possess a king mackerel, Spanish mackerel, or cobia without its head and fins intact, as specified in § 642.23(c).

(l) Operate a vessel with king mackerel, Spanish mackerel, or cobia aboard that are smaller than the minimum size limits, do not have head and fins intact, or are in excess of the cumulative bag limit, as specified in § 642.23(d) and § 642.24(d).

(m) Retain or possess king mackerel, Spanish mackerel, or cobia in or from the EEZ in excess of the bag and possession limits specified in § 642.24(a)(1), (a)(2), and (b).

(n) Transfer at sea a king mackerel, Spanish mackerel, or cobia taken under a bag or possession limit, as specified in § 642.24(e).

(o) Aboard a vessel in the commercial fishery, fish for king or Spanish mackerel in the EEZ or retain a king or Spanish mackerel in or from the EEZ after a closure, as specified in § 642.26(b)(1), except as may be allowed aboard a charter vessel, as specified in

§ 642.26(b)(2), and except as may be authorized under § 642.22(c).

(p) After a closure specified in § 642.26(a), sell, purchase, trade, or barter, or attempt to sell, purchase, trade, or barter a king or Spanish mackerel of the closed species/migratory group/zone, as specified in § 642.22(c), 642.24(a)(4), and 642.26(b)(3).

(q) Exceed a commercial trip limit for Atlantic group Spanish mackerel, as specified in § 642.27(a).

(r) Transfer at sea an Atlantic group Spanish mackerel subject to a commercial trip limit, as specified in § 642.27(e).

(s) Violate any prohibitions or restrictions for the prevention of gear conflicts that may be specified in accordance with § 642.28.

(t) Interfere with, obstruct, delay, or prevent by any means an investigation, search, seizure, or disposition of seized property in connection with enforcement of the Magnuson Act.

7. Subpart B of part 642 is revised to read as follows:

Subpart B—Management Measures

| | |
|--------|---|
| Sec. | |
| 642.20 | Fishing years. |
| 642.21 | Area and time separation. |
| 642.22 | Vessel, gear, and equipment limitations. |
| 642.23 | Harvest limitations. |
| 642.24 | Bag and possession limits. |
| 642.25 | Commercial allocations and quotas. |
| 642.26 | Closures. |
| 642.27 | Commercial trip limits for Atlantic group Spanish mackerel. |
| 642.28 | Prevention of gear conflicts. |
| 642.29 | Adjustment of management measures. |
| 642.30 | Specifically authorized activities. |

Subpart B—Management Measures

§ 642.20 Fishing years.

(a) *Commercial mackerel fisheries.* The fishing year for the Gulf migratory group of king mackerel for commercial allocations and quotas begins on July 1 and ends on June 30. The fishing year for all other groups of king and Spanish mackerel for commercial allocations begins on April 1 and ends on March 31.

(b) *All other fisheries.* The fishing year for the recreational mackerel fisheries, and for coastal migratory pelagic fish other than king and Spanish mackerel, begins on January 1 and ends on December 31.

§ 642.21 Area and time separation.

(a) *King mackerel—(1) Summer separation.* From April 1 through October 31, the boundary separating the Gulf and Atlantic migratory groups of king mackerel is a line extending

directly west from the Monroe/Collier County, Florida boundary (25°48'N. latitude) to the outer limit of the EEZ.

(2) *Winter separation.* From November 1 through March 31, the boundary separating the Gulf and Atlantic migratory groups of king mackerel is a line extending directly east from the Volusia/Flagler County, Florida boundary (29°25'N. latitude) to the outer limit of the EEZ.

(b) *Spanish mackerel.* The boundary separating the Gulf and Atlantic migratory groups of Spanish mackerel is a line extending directly east from the Dade/Monroe County, Florida boundary (25°20.4'N. latitude) to the outer limit of the EEZ.

§ 642.22 Vessel, gear, and equipment limitations.

(a) *Prohibited gear—(1) Drift gillnets.* The use of a drift gillnet to fish in the EEZ for coastal migratory pelagic fish is prohibited. A vessel in the EEZ or having fished in the EEZ with a drift gillnet aboard may not possess any coastal migratory pelagic fish.

(2) *Other gear.* (i) Fishing gear is prohibited for use in the EEZ for migratory groups of king and Spanish mackerel as follows:

(A) King mackerel Gulf migratory group—all gear other than hook and line and run-around gillnets.

(B) Spanish mackerel Gulf and Atlantic migratory groups—purse seines.

(ii) Except for the purse seine incidental catch allowance specified in paragraph (c) of this section, a vessel in the EEZ in an area specified in § 642.21 for a migratory group or having fished in the EEZ in such area with prohibited gear aboard may not possess any of the species for which that gear is prohibited.

(b) *Gillnets—(1) King mackerel.* The minimum allowable mesh size for a gillnet used to fish in the EEZ for king mackerel is 4¼ inches (12.1 cm), stretched mesh. A vessel in the EEZ or having fished in the EEZ with a gillnet aboard that has a mesh size less than 4¼ inches (12.1 cm), stretched mesh, may possess an incidental catch of king mackerel that does not exceed 10 percent, by number, of the total lawfully possessed Spanish mackerel aboard.

(2) *Spanish mackerel.* The minimum allowable mesh size for a gillnet used to fish in the EEZ for Spanish mackerel is 3½ inches (8.9 cm), stretched mesh. A vessel in the EEZ or having fished in the EEZ with a gillnet aboard that has a mesh size less than 3½ inches (8.9 cm), stretched mesh, may not possess any Spanish mackerel.

(c) *Purse seine incidental catch allowance.* A vessel in the EEZ or having fished in the EEZ with a purse

seine aboard will not be considered as fishing or having fished for king or Spanish mackerel in violation of a prohibition of purse seines under paragraph (a)(2) of this section, or, in the case of king mackerel from the Atlantic migratory group, in violation of a closure effected in accordance with § 642.26(a), provided the catch of king mackerel does not exceed 1 percent or the catch of Spanish mackerel does not exceed 10 percent of the catch of all fish aboard the vessel. Incidental catch will be calculated by both number and weight of fish. Neither calculation may exceed the allowable percentage. Incidentally caught king or Spanish mackerel are counted toward the allocations and quotas provided for under § 642.25(a) or (b) and are subject to the prohibition of sale under § 642.26(b)(3).

§ 642.23 Harvest limitations.

(a) *Minimum sizes.* (1) Except for the incidental catch allowance for undersized king and Spanish mackerel under paragraph (b) of this section, the minimum size limits for the possession of king mackerel, Spanish mackerel, and cobia in or from the EEZ are—

(i) King mackerel—20 inches (50.8 cm), fork length;

(ii) Spanish mackerel—12 inches (30.5 cm), fork length; and

(iii) Cobia—33 inches (83.8 cm), fork length.

(2) Except for such undersized king and Spanish mackerel that may be unlawfully possessed under paragraph (b) of this section, a king mackerel, Spanish mackerel, or cobia smaller than the minimum size limits of paragraph (a)(1) of this section may not be sold, purchased, traded, or bartered or attempted to be sold, purchased, traded, or bartered.

(b) *Incidental catch allowance.*

Aboard a vessel in the commercial fishery, provided such vessel is not operating as a charter vessel—

(1) The possession of king mackerel under the minimum size limit is allowed equal to 5 percent by weight of the total catch of king mackerel aboard; and

(2) The possession of Spanish mackerel under the minimum size limit is allowed equal to 5 percent by weight of the total catch of Spanish mackerel aboard.

(c) *Head and fins intact.* A king mackerel, Spanish mackerel, or cobia in or from the EEZ must have its head and fins intact through off-loading. Such king mackerel, Spanish mackerel, or cobia may be eviscerated but must otherwise be maintained in a whole condition.

(d) *Operator responsibility.* The operator of a vessel that fishes in the EEZ is responsible for ensuring that king

mackerel, Spanish mackerel, and cobia possessed aboard that vessel comply with the minimum sizes specified in paragraph (a) of this section, except for such undersized king and Spanish mackerel that may be lawfully possessed under paragraph (b) of this section; and are maintained with head and fins intact as specified in paragraph (c) of this section.

§ 642.24 Bag and possession limits.

(a) *King and Spanish mackerel—(1) Daily bag limits.* A person who fishes for king or Spanish mackerel in the EEZ, except a person in the commercial fishery and fishing under a commercial allocation specified in § 642.25(a) or (b), or possessing the purse seine incidental catch allowance specified in § 642.22(c), may not retain or possess king or Spanish mackerel in or from the EEZ exceeding the following daily limits:

(i) King mackerel Gulf migratory group—two per person.

(ii) King mackerel Atlantic migratory group.

(A) Northern area—five per person.

(B) Southern area—the limit specified by Florida in Rule 46-12.004, Rules of the Department of Natural Resources, Florida Marine Fisheries Commission, Florida Administrative Code, but not to exceed five per person.

(iii) Spanish mackerel Gulf migratory group.

(A) Eastern area—the limit specified by Florida in Rule 46-23.005, Rules of the Department of Natural Resources, Florida Marine Fisheries Commission, Florida Administrative Code, but not to exceed ten per person.

(B) Central area—ten per person.

(C) Western area—the limit specified by Texas in Rule 31-65.72, Texas Administrative Code, but not to exceed ten per person.

(iv) Spanish mackerel Atlantic migratory group.

(A) Northern area—ten per person.

(B) Southern area—the limit specified by Florida in Rule 46-23.005, Rules of the Department of Natural Resources, Florida Marine Fisheries Commission, Florida Administrative Code, but not to exceed ten per person.

(2) *Multi-day possession limit.* A person subject to a bag limit specified in paragraph (a)(1) of this section may not possess in or from the EEZ during a single day, regardless of the number of trips or the duration of a trip, any king or Spanish mackerel in excess of such bag limit, except that a person who is on a trip that spans more than 24 hours may possess no more than two daily bag limits, provided—

(i) Such trip is aboard a charter vessel;

(ii) The vessel has two licensed operators aboard as required by the U.S. Coast Guard for trips of over 12 hours; and

(iii) Each passenger is issued and has in possession a receipt issued on behalf of the vessel that verifies the length of the trip.

(3) *Areas.* For the purpose of paragraph (a)(1) of this section—

(i) The boundary between the northern and southern areas is a line extending directly east from the Georgia/Florida boundary (30°42'45.6"N. latitude) to the outer limit of the EEZ;

(ii) The boundary between the eastern and central areas is a line extending directly south from the Alabama/Florida boundary (87°31'06"W. longitude) to the outer limit of the EEZ; and

(iii) The boundary between the central and western areas is an extension of the boundary between Louisiana and Texas, namely, a line from point A (on the seaward limit of Texas' waters) at 29°32.1'N. latitude; 93°47.7'W. longitude to point B (on the outer limit of the EEZ) at 26°11.4'N. latitude; 92°53'W. longitude.

(4) *Fishing after a closure.* After a closure under § 642.26(a) is invoked for a commercial allocation or quota specified in § 642.25 (a) or (b)(1), for the remainder of the appropriate fishing year for commercial allocations specified in § 642.20(a), the sale, purchase, trade, or barter or attempted sale, purchase, trade, or barter of king or Spanish mackerel in or from the closed area is prohibited. This prohibition does not apply to trade in king or Spanish mackerel harvested, landed, and sold, traded, or bartered prior to the closure and held in cold storage by dealers or processors.

(b) *Cobia.* The daily bag and possession limit for cobia in or from the EEZ is two fish per person, regardless of the number of trips or duration of a trip and without regard to whether the cobia are taken aboard a vessel in the commercial fishery.

(c) *Combination of bag limits.* A person who fishes in the EEZ may not combine a bag or possession limit of this part with any bag or possession limit applicable to state waters.

(d) *Operator responsibility.* The operator of a vessel that fishes in the EEZ is responsible for the cumulative bag limit, based on the number of persons aboard, applicable to that vessel.

(e) *Transfer of fish.* A person for whom a bag or possession limit specified in this section applies may not transfer at sea a king mackerel, Spanish mackerel, or cobia—

(1) Taken in the EEZ; or

(2) In the EEZ, regardless of where such king mackerel, Spanish mackerel, or cobia was taken.

§ 642.25 Commercial allocations and quotas.

A fish is counted against the commercial allocation or quota for the area where it is caught when it is first sold.

(a) *Commercial allocations and quotas for king mackerel.* (1) The commercial allocation for the Gulf migratory group of king mackerel is 2.50 million pounds (1.13 million kg) per fishing year. This allocation is divided into quotas as follows:

(i) 1.73 million pounds (0.78 million kg) for the eastern zone; and

(ii) 0.77 million pounds (0.35 million kg) for the western zone.

(2) The commercial allocation for the Atlantic migratory group of king mackerel is 3.90 million pounds (1.77 million kg) per fishing year. No more than 0.4 million pounds (0.18 million kg) may be harvested by purse seines.

(b) *Commercial allocations for Spanish mackerel.* (1) The commercial allocation for the Gulf migratory group of Spanish mackerel is 4.90 million pounds (2.22 million kg) per fishing year.

(2) The commercial allocation for the Atlantic migratory group of Spanish mackerel is 3.50 million pounds (1.59 million kg) per fishing year.

(c) *Zones.* For the purposes of paragraph 9a)(1) of this section, the boundary between the eastern and western zones is a line extending directly south from the Alabama/Florida boundary (87°31'06"W. longitude) to the outer limit of the EEZ.

§ 642.26 Closures.

(a) *Notice of closure.* The Assistant Administrator, by publication of a notice in the *Federal Register*, will close the commercial fishery in the EEZ for king mackerel from a particular migratory group or zone and for Spanish mackerel from the Gulf migratory group when the allocation or quota under § 642.25(a) or (b)(1) for that migratory group or zone has been reached or is projected to be reached. The commercial fishery for Atlantic group Spanish mackerel is managed under the commercial trip limits specified in § 642.27 in lieu of the closure provisions of this section.

(b) *Fishing after a closure.* After a closure under paragraph (a) of this section is invoked, for the remainder of the appropriate fishing year for commercial allocations specified in § 642.20(a):

(1) A person aboard a vessel in the commercial fishery may not fish for king or Spanish mackerel in the EEZ or retain

fish in or from the EEZ under a bag limit specified in § 642.24(a)(1) for the closed species/migratory group/zone, except as provided for under paragraph (b)(2) of this section.

(2) A person aboard a vessel the permit for which indicates both king and Spanish mackerel and charter vessel for coastal migratory pelagic fish may continue to retain fish under a bag and possession limit specified in § 642.24(a)(1) and (a)(2) provided the vessel is operating as a charter vessel.

(3) The sale, purchase, trade, or barter or attempted sale, purchase, trade, or barter of king or Spanish mackerel of the closed species/migratory group/zone, is prohibited. This prohibition does not apply to trade in king or Spanish mackerel harvested, landed, and sold, traded, or bartered prior to the closure and held in cold storage by dealers or processors.

§ 642.27 Commercial trip limits for Atlantic group Spanish mackerel.

(a) Commercial trip limits are established for Atlantic group Spanish mackerel as follows:

(1) In the northern zone, that is, north of a line extending directly east from the Georgia/Florida boundary (30°42'45.6"N. latitude) to the outer limit of the EEZ, Spanish mackerel in or from the EEZ may not be possessed aboard or landed from a vessel in a day in amounts exceeding 3,500 pounds (1,588 kg).

(2) In the southern zone, that is, south of a line extending directly east from the Georgia/Florida boundary (30°42'45.6"N. latitude) to the outer limit of the EEZ, Spanish mackerel in or from the EEZ may not be possessed aboard or landed from a vessel in a day—

(i) From April 1 through November 30, in amounts exceeding 1,500 pounds (680 kg).

(ii) From December 1 until 80 percent of the adjusted allocation is taken, in amounts as follows:

(A) Mondays, Wednesdays, and Fridays—unlimited.

(B) Tuesdays and Thursdays—not exceeding 1,500 pounds (680 kg).

(C) Saturdays and Sundays—not exceeding 500 pounds (227 kg).

(iii) After 80 percent of the adjusted allocation is taken until 100 percent of the adjusted allocation is taken, in amounts not exceeding 1,000 pounds (454 kg).

(iv) After 100 percent of the adjusted allocation is taken until the fishery is closed in accordance with § 642.26(a), in amounts not exceeding 500 pounds (227 kg).

(b) For the purpose of paragraph (a)(2) of this section, the adjusted allocation of Atlantic migratory group Spanish mackerel is 3.25 million pounds (1.47 million kg). The adjusted allocation is the commercial allocation for Atlantic migratory group Spanish mackerel reduced by an amount calculated to allow continued harvests of Atlantic group Spanish mackerel at the rate of 500 pounds (227 kg) per vessel per day for the remainder of the fishing year after the adjusted quota is reached. The Assistant Administrator, by publication of a notice in the Federal Register, will announce when 80 percent and 100 percent of the adjusted allocation is reached or is projected to be reached.

(c) For the purpose of paragraph (a)(2) of this section, a day starts at 6 a.m., local time, and extends for 24 hours. For example, Monday starts at 6 a.m. on Monday and extends to 6 a.m. on Tuesday. A vessel that terminates a trip prior to 6 a.m., but retains Spanish mackerel aboard after that time, will not be considered to possess Spanish mackerel in excess of the daily limits provided the vessel is not underway after 6 a.m. and such Spanish mackerel are unloaded prior to 6 p.m. following termination of the trip.

(d) A person who fishes in the EEZ may not combine a trip limit of this

section with any trip or possession limit applicable to state waters.

(e) A person for whom a trip limit specified in this section applies may not transfer at sea a Spanish mackerel—

(1) Taken in the EEZ; or

(2) In the EEZ, regardless of where such Spanish mackerel was taken.

§ 642.28 Prevention of gear conflicts.

In accordance with the procedures and restrictions of the Fishery Management Plan for Coastal Migratory Pelagic Resources, when the Regional Director determines that a conflict exists in the king mackerel fishery between hook-and-line and gillnet fishermen in an area of the EEZ off the east coast of Florida between 27°00.6'N. latitude and 27°50.0'N. latitude, the Regional Director may prohibit or restrict the use of hook-and-line and/or gillnets in all or a portion of that area. Necessary prohibitions or restrictions will be published in the Federal Register.

§ 642.29 Adjustment of management measures.

In accordance with the procedures and limitations of the Fishery Management Plan for Coastal Migratory Pelagic Resources, the Regional Director may establish or modify for cobia or for king or Spanish mackerel, and migratory groups of king or Spanish mackerel, the

following: maximum sustainable yield, total allowable catch, allocations, adjusted allocations, quotas, bag limits, size limits, vessel trip limits, closed seasons or areas, gear restrictions, and initial permit requirements.

§ 642.30 Specifically authorized activities.

The Assistant Administrator may authorize, for the acquisition of information and data, activities otherwise prohibited by these regulations.

8. The two grids constituting Figure 3 of appendix A are transferred out of appendix A and redesignated as Figure 1 to part 642 and Figure 2 to part 642, respectively; the heading for newly designated Figure 1 is revised to read "FIGURE 1 TO PART 642—STATISTICAL GRIDS FOR THE GULF OF MEXICO" and the title at the bottom of the figure is removed; a heading is added to newly designated Figure 2 to read "FIGURE 2 TO PART 642—STATISTICAL GRIDS FOR THE SOUTH ATLANTIC AND MID-ATLANTIC" and the title at the bottom of the figure is removed; and Appendix A is removed.

[FR Doc. 92-20496 Filed 8-24-92; 1:30 pm]

BILLING CODE 3510-22-M

Notices

Federal Register

Vol. 57, No. 167

Thursday, August 27, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Cooperative State Research Service

Agricultural Science and Technology Review Board; Meeting Cancellation

According to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), as amended, the Office of Grants and Program Systems, Cooperative State Research Service, announces the cancellation of the following meeting:

Name: Agricultural Science and Technology Review Board.

Date: August 31, 1992.

Time: 8 a.m.-4 p.m.

Place: One Washington Circle Hotel, Washington, DC.

Action: This meeting is cancelled.

Contact Person for More Information: Dr. Mark R. Bailey, Executive Secretary, Joint Council on Food and Agricultural Sciences, room 3M12, Annex Building, U.S. Department of Agriculture, Washington, DC 20250-2200; Telephone (202) 401-4662.

Done in Washington, DC, this 21st day of August 1992.

William D. Carlson,

Associate Administrator.

[FR Doc. 92-20594 Filed 8-26-92; 8:45 am]

BILLING CODE 3410-22-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Endangered and Threatened Wildlife and Plants; Draft Recovery Plans for Southeastern U.S. and Caribbean Populations of Hawksbill Turtles

AGENCIES: National Marine Fisheries Service, NOAA, Commerce, U.S. Fish and Wildlife Service, Interior.

ACTION: Notice of availability and request for comments.

SUMMARY: The draft Recovery Plan for the hawksbill sea turtle (*Eretmochelys*

imbricata) is now available for review and comment by interested parties prior to final approval and adoption by the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS). The plan was developed by the Leatherback/Hawksbill Sea Turtle Recovery Team which was appointed in 1989 by NMFS and USFWS. The recovery team is jointly supported by USFWS and NMFS. These agencies share the responsibility for sea turtle recovery under the authority of the Endangered Species Act of 1973. Recovery team membership includes biologists and resource managers from the Virgin Islands Division of Fish and Wildlife, the Wider Caribbean Sea Turtle Recovery Team, the University of Georgia, the National Park Service, and USFWS.

DATES: Comments on the draft recovery plans must be received on or before October 13, 1992.

ADDRESSES: Comments should be addressed to Director, Office of Protected Resources, NMFS, 1335 East-West Highway, Silver Spring, MD 20910. Copies of the Draft Hawksbill Recovery Plan are available upon request from Charles Oravetz, Southeast Region, NMFS, 9450 Koger Boulevard, St. Petersburg, FL 33702, or Phil Williams, Office of Protected Resources, NMFS, 1335 East-West Highway, room 8256, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Charles Oravetz, NMFS, (813) 893-3366, or Jack Woody, USFWS, (505) 766-8062.

SUPPLEMENTARY INFORMATION: The Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 et seq.) requires that the agencies responsible for listed species develop and implement recovery plans for the conservation and survival of threatened and endangered species, unless it is determined that such plans will not promote the conservation of the species. Accordingly, NMFS and USFWS appointed a Leatherback/Hawksbill Sea Turtle Recovery Team to assist in the development of the Draft Hawksbill Sea Turtle Recovery Plan. The Recovery Plans discuss the natural history, current status of the populations, and the known and potential impacts on the species. Actions that would promote the recovery of the leatherback turtle are identified and discussed in the draft plan. The Recovery Plan will be used to

direct U.S. activities to promote the recovery of this endangered sea turtle.

Dated: August 20, 1992.

Nancy Foster,

Director, Office of Protected Resources.

[FR Doc. 92-20547 Filed 8-26-92; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Endangered Species; Application for Modification to a Scientific Research Permit; David Nelson, Coastal Ecology Group, Environmental Laboratory, Waterways Experiment Station, U.S. Army Corps of Engineers (P#777)

Notice is hereby given that an applicant has applied in due form for a Modification to a Scientific Research Permit to take an endangered species as authorized by the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) and the National Marine Fisheries Service (NMFS) regulations governing endangered fish and wildlife permits (50 CFR part 217-222).

1. **Applicant:** David Nelson, Coastal Ecology Group, Environmental Laboratory, USAE Waterways Experiment Station, Vicksburg, MS 39180.

2. **Type of Permit:** Scientific Research.

3. **Name and Number of Species:** 50 Loggerhead Sea Turtles, *Caretta caretta*, 5 Kemp's Ridley Sea Turtles, *Lepidochelys kempi*.

4. **Type of Take:** The applicant proposes to conduct an assessment of sea turtle behavior in King Bay Channel, Georgia for baseline and trawling efficiency studies. Specifically, it is the objective to determine: (1) Baseline behavior of sea turtles in the Kings Bay Entrance Channel, (2) to evaluate the effectiveness of trawling as a survey method, and (3) to refine methods for additional studies. A maximum of 50 loggerhead turtles will be caught and tagged with sonic and radio tags. Kemp's ridley turtles will also be tagged and monitored as a secondary purpose of the studies. It is expected that a maximum of 5 Kemp's ridley turtles will be captured and tagged.

5. **Location and Duration of Activity:** Telemetry baseline behavior studies and trawling tests will be conducted in the summer and fall of 1992. All of the research activities during this period will take place at Kings Bay, Georgia.

Written data or views, or requests for a public hearing on this modification application should be submitted to the U.S. Department of Commerce, NMFS, 1335 East-West Highway, Silver Spring, Maryland 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular modification application would be appropriate. The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries. All statements and opinions contained in this modification application are summaries of those of the applicant and do not necessarily reflect the views of NMFS.

Documents submitted in connection with the above modification application are available for review by interested persons in the following offices: Office of Protected Resources, NOAA, NMFS, 1335 East-West Highway, SSMC#1, room 8268, Silver Spring, Maryland 20910, (301/713-2289); and Director, Southeast Region, NOAA, NMFS, 9450 Koger Boulevard, St. Petersburg, FL 33702.

Dated: August 20, 1992.

Nancy Foster,

Director, Office of Protected Resources.

[FR Doc. 92-20548 Filed 8-26-92; 8:45 am]

BILLING CODE 3510-22-M

**National Marine Fisheries Service;
Endangered Species; Application for
Scientific Research Permit; Dr. Isadore
Barrett, Southwest Fisheries Science
Center, National Marine Fisheries
Service (P#77262)**

Notice is hereby given that an applicant has applied in due form for a Scientific Research Permit to take an endangered species as authorized by the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) and the National Marine Fisheries Service (NMFS) regulations governing endangered fish and wildlife permits (50 CFR part 217-222).

1. *Applicant:* Dr. Isadore Barrett, Southwest Fisheries Science Center, P.O. Box 271, La Jolla, CA 92038.
2. *Type of Permit:* Scientific Research.
3. *Name and Number of Species:* 5 Leatherback Sea Turtles, *Dermochelys coriacea*.
4. *Type of Take:* The applicant proposes to investigate the movement of leatherback turtles through radiotracking in the Monterey Bay, California area. Five turtles will be caught and tracked as a test of the capture/tracking protocol. The turtles

will be tagged with VHF radio tags and tracked via a mobile shore-based receiver. One turtle will be equipped with a satellite transmitter capable of reporting both dive behavior and location. Each turtle will also be measured, weighed, tagged, and a small blood sample will be taken from the cervical sinus, or a flipper.

5. *Location and Duration of Activity:* The turtles with VHF transmitters will be monitored for a period of from one month to three months, at which time the transmitter and attachment package will self-release. The PTT-equipped turtle will be monitored for approximately six months at which time the PTT and attachment package will self-release. All tagging activities during this period will take place in Monterey Bay, California.

Written data or views, or requests for a public hearing on this application should be submitted to the U.S. Department of Commerce, NMFS, 1335 East-West Highway, Silver Spring, MD 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries. All statements and opinions contained in this application are summaries of those of the applicant and do not necessarily reflect the views of the NMFS.

Documents submitted in connection with the above application are available for review by interested persons in the following offices: Office of Protected Resources, NOAA, NMFS, 1335 East-West Highway, SSMC#1, room 8268, Silver Spring, Maryland 20910, (301/713-2289); and Director, Southwest Region, NOAA, NMFS, 300 S. Ferry St., Terminal Island, CA 90713-7415.

Dated: August 19, 1992.

Nancy Foster,

Director, Office of Protected Resources.

[FR Doc. 92-20549 Filed 8-26-92; 8:45 am]

BILLING CODE 3510-22-M

**COMMITTEE FOR THE
IMPLEMENTATION OF TEXTILE
AGREEMENTS**

**Adjustment of a Sublimit for Certain
Cotton Textile Products Produced or
Manufactured in Egypt**

August 21, 1992.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs reducing a sublimit.

EFFECTIVE DATE: August 28, 1992.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927-5850. For information on embargoes and quota re-openings, call (202) 377-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current sublimit for Category 301 is being reduced for carryforward used during 1991.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION:** Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 56 FR 60101, published on November 27, 1991). Also see 56 FR 58556, published on November 20, 1991.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

August 21, 1992

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 15, 1991, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton and man-made fiber textile products, produced or manufactured in Egypt and exported during the twelve-month period which began on January 1, 1992 and extends through December 31, 1992.

Effective on August 28, 1992, you are directed to amend the November 15, 1991 directive to reduce the sublimit for Category 301, as provided under the terms of the bilateral agreement between the Governments of the United States and the Arab Republic of Egypt, as follows:

| Category | Adjusted twelve-month limit ¹ |
|----------|--|
| 300/301 | 6,376,834 kilograms of which not more than 1,992,830 kilograms shall be in Category 301. |

¹ The limit has not been adjusted to account for any imports exported after December 31, 1991.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 92-20533 Filed 8-26-92; 8:45 am]

BILLING CODE 3510-DR-F

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DoD Government-Industry Technical Data Committee

AGENCY: Office of the Under Secretary of Defense (Acquisition), DoD.

ACTION: Notice.

SUMMARY: Pursuant to section 807 of Public Law 102-120, the National Defense Authorization Act for Fiscal Years 1992 and 1993, a Government-Industry Technical Data Committee has been formed. The committee will make recommendations to the Secretary of Defense for the final regulations required by subsection (a) of 10 U.S.C. 2320, "Rights in Technical Data."

The committee is scheduled to meet on October 8 and October 28-29, 1992 from 9:30 a.m. to 4 p.m. at The Herman Lay Room, The U.S. Chamber of Commerce, 1615 H Street NW., Washington, DC 20062-2000. These meetings will be open to the public. For more information, please contact the Committee Executive Secretary, Angelena Moy at (703) 693-5639.

Dated: August 21, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-20491 Filed 8-26-92; 8:45 am]

BILLING CODE 3810-01-M

Availability of Change 2 to DoD 5025.1-I, "DoD Directives System Annual Index"

AGENCY: Office of the Secretary, DoD.

ACTION: Notice.

SUMMARY: This document is to inform the public and Government Agencies of the availability of Change 2 to DoD 5025.1-I, "DoD Directives System Annual Index," dated January 1992. It is available, at cost, from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161, telephone (703) 487-4650. The NTIS accession number for Change 2 to the Index is PB92-959530.

FOR FURTHER INFORMATION CONTACT:

Ms. P. Toppings, Directives Division, Correspondence and Directives Directorate, Washington Headquarters Services, Washington, DC 20301-1155, telephone (202) 697-4111.

Dated: August 21, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-20494 Filed 8-26-92; 8:45 am]

BILLING CODE 3810-01-M

Office of The Secretary of Defense

Meeting

AGENCY: Office of The Under Secretary of Defense (Acquisition), DoD.

ACTION: Cancellation.

SUMMARY: The DoD Government-Industry Technical Data Committee meeting scheduled for September 16, 1992 (57 FR 34913, August 7, 1992) is hereby cancelled. The meeting scheduled for September 17 is not affected by this change.

Dated: August 21, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-20492 Filed 8-26-92; 8:45 am]

BILLING CODE 3810-01-M

Office of the Secretary

Scientific Advisory Group on Effects (SAGE) Meeting

SUMMARY: The Scientific Advisory Group on Effects announces a closed session meeting.

DATES: Tuesday, Wednesday, Thursday, 20-22 October 1992.

ADDRESSES: U.S. Air Force Conference Center at Homestead AFB, Florida.

FOR FURTHER INFORMATION CONTACT:

Elizabeth Marcellino, Defense Nuclear Agency, 6801 Telegraph Road,

Alexandria, VA 22310 (telephone AV 221-2813 or (703) 325-2813).

SUPPLEMENTARY INFORMATION: The mission of the SAGE is to provide the Director, Defense Nuclear Agency, with technical advice on matters related to nuclear weapons effects. The group reviews and evaluates long-range plans for the development and improvement of nuclear weapons effects data and the adequacy of current DNA RDT&E programs. In accordance with section 10(d) of Public Law 92-463, as amended (5 U.S.C. app. II 10(d) (1988)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1988) and that, accordingly, this meeting will be closed to the public.

Dated: August 21, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-20493 Filed 8-26-92; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

Soliciting Suggestions Relevant to the Reauthorization of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, Public Law 100-407

AGENCY: Department of Education.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The Secretary of Education announces a public hearing to afford the public an opportunity to comment and make suggestions concerning the reauthorization of the Technology-Related Assistance for Individuals with Disabilities Act of 1988 (Pub. L. 100-407) (Act). The Secretary also requests written comments from those who do not testify. The comments and suggestions will be used by the Department in formulating its proposal for the reauthorization of the Act.

The current Act, which expires on October 1, 1993, has two titles. Title I establishes a competitive grant program designed to assist each participating State to develop and implement a consumer-responsive statewide program of technology-related assistance for individuals with disabilities. A State that receives a three-year development grant is eligible for an extension grant,

which provides two additional years of funding. The statute also requires that the Secretary conduct an evaluation of the State grant programs and report on the findings to Congress not later than October 1, 1992.

Title II mandates a variety of discretionary activities and studies, including a study of the financing of assistive technology and services and a study of the feasibility and desirability of establishing a national information and referral network on technology-related assistance, both of which are near completion. It also requires the Secretary to make public awareness grants to increase the knowledge about and effective use of assistive technology devices and services; training projects to prepare professionals, paraprofessionals, and consumers to provide assistive technology services; demonstration and innovative projects on models for the delivery of assistive technology devices and services; assistive technology development; and a demonstration loan program for assistive technology services.

The first nine State grants were awarded in fiscal year 1989, and a total of 41 States have received development grants to date. The Department anticipates that all States will have received three-year development grants by the end of fiscal year 1993.

Issues for Consideration

The Secretary solicits comments and suggestions from interested parties regarding reauthorization of the Act. This request for comments is not intended to express views on any issues or to represent the intention of the Secretary to propose any changes in the provisions of the Act.

Title I—Grants to States

The Department is particularly interested in comments and suggestions on whether the Act should be extended through fiscal year 1998 to permit all States that received development grants with initial funding in fiscal years 1991–1993 to complete a five-year grant period.

A second major issue is whether there is a need for continued Federal assistance to States for carrying out the purposes of title I of this Act beyond the current authorized maximum of five years. If this need exists, how should funding be provided and for how long? In addition, if there is a need to continue funding of title I beyond the five-year period contemplated in the original Act, what should be the minimum components of the statewide systems required by the new statute?

Given that the Individuals with Disabilities Education Act (IDEA), the Rehabilitation Act, and other laws provide authority for the provision, purchase, and distribution of assistive technology devices and services, is there a need to maintain an authority under title I of the Act for the direct provision of devices and services, as opposed to authority for training, technical assistance, coordination, dissemination, and other activities aimed at capacity building?

Are there changes needed in this program that would improve coordination regarding the provision and financing of assistive technology across State and Federal programs? How could coordination with programs supported by the Rehabilitation Act and the IDEA, in particular, be improved? What are the obstacles and potential solutions to successful coordinated systems within the States? Should the Act require financial maintenance of effort or matching from the States, and if so, at what levels?

Title II—Programs of National Significance

Given that the IDEA and the Rehabilitation Act provide authority for training, public awareness, and research and demonstration projects, including projects dealing with assistive technology, is there a continuing need for a separate authority for those programs presently under title II of the Act?

If there is a need to continue authorization of title II of the Act, what are the specific needs for training for service providers at various levels or in various specialties? What specific areas of consumer training are needed?

Other Cross-Cutting Issues

What types of assistive technology are more needed? Are some needs for technology-related assistance routinely better met than others?

How successful have programs funded under the Act been in ensuring consumer-responsiveness in all of the activities sponsored by the Act? Are changes needed in the Act to improve consumer-responsiveness, including meeting the needs of minorities with disabilities?

What are the significant issues in financing assistive technology that should be addressed by the Act? Should loan programs be authorized or mandated?

Meeting Information: The public hearing is scheduled to be held from 9:30 a.m. to 4:30 p.m. on Friday, September 25, 1992, in the National Aeronautics and Space Administration's (NASA)

Auditorium, 400 Maryland Avenue, SW., room 6104, Federal Office Building #6, Washington, DC 20202. The meeting will be accessible to individuals with disabilities.

The Secretary encourages interested parties to attend the public meeting and requests that those parties participating provide a written copy of their comments or suggestions.

The Secretary also encourages speakers to be as specific as possible in their recommendations.

COMMENTS: The Secretary also invites written comments and suggestions concerning issues in the reauthorization of Public Law 100–407, from interested parties who do not attend the meeting. The Department will consider written comments received within 15 days of the public meeting. The Secretary requests each respondent to identify his or her involvement in the field of technology-related assistance. Respondents may address issues raised in this notice as well as other reauthorization issues. The Secretary requests that respondents identify, where applicable, the specific sections of the Act, IDEA, or the Rehabilitation Act, that are addressed. Respondents are urged to include, if possible, specific legislative language changes that they propose for the Act.

ADDRESSES: Written comments should be addressed to Joyce Y. Caldwell, National Institute on Disability and Rehabilitation Research, Department of Education, 400 Maryland Avenue, SW., room 3419, Switzer Building, Washington, DC 20202–2601.

FOR FURTHER INFORMATION CONTACT: Persons desiring to participate or seeking additional information should contact Joyce Y. Caldwell, National Institute on Disability and Rehabilitation Research, Department of Education, 400 Maryland Avenue, SW., room 3419, Switzer Building, Washington, DC 20202–2601 Telephone: (202) 205–8187; deaf and hearing impaired individuals may call (202) 205–5516 for TDD services.

Dated: August 24, 1992.

Michael E. Vader,

Acting Assistant Secretary, Office of Special Education and Rehabilitative Services.

[FR Doc. 92–20593 Filed 8–26–92; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Justification for Acceptance of an Unsolicited Application

AGENCY: Department of Energy (DOE).

ACTION: Notice.

SUMMARY: DOE announces that pursuant to 10 CFR 600.14, it intends to award on a noncompetitive basis a Cooperative Agreement to Purdue University for Midwest Plant Biotechnology Consortium. The purpose of this program is to foster and facilitate promising basic research investigations that will lead to industrial applications. The MPBC initiative will encompass applications of plant biotechnology to develop and improve alternative renewable energy sources (biofuels) and other products that can lessen U.S. reliance on petrochemicals and other non-renewable energy sources. As industrial needs and opportunities are identified, MPBC will consider not only the biomass crops, conversion technologies and applications of today, but will also work to envision the biomass crops and create the technologies and applications of the future. Eligibility for this award is restricted to Purdue University.

FOR FURTHER INFORMATION CONTACT: Mary Harris, ER-11, Energy Programs Division, U.S. Department of Energy, Oak Ridge, Tennessee 37831-6269, (615) 576-4507.

Issued in Oak Ridge, Tennessee, on August 17, 1992.

Don Sloan,

Acting Director, Procurement and Contracts Division, Field Office, Oak Ridge.

[FR Doc. 92-20627 Filed 8-26-92; 8:45 am]

BILLING CODE 6450-01-M

Financial Assistance Award; Financial Energy Management, Inc.

AGENCY: U.S. Department of Energy.

ACTION: Notice of Acceptance of an Unsolicited Application for Award of a Financial Assistance Instrument.

SUMMARY: The Department of Energy (DOE) Denver Support Office announces that, pursuant to the DOE Financial Assistance Rules, 10 CFR 600.6(a)(2), it intends making a discretionary cooperative agreement award, based on acceptance of an unsolicited application meeting the criteria of 10 CFR 600.14(e)(1), to Financial Energy Management, Inc. for "Improving Energy Efficiency in Public Housing". The primary objective of this cooperative agreement is to stimulate interest and momentum within the Public Housing Administrations (PHAs) to undertake energy conservation projects. Four PHA buildings will be used in this project to determine which method, or combination of methods, is most

effective in conserving energy now and in the future. This will be accomplished by demonstrating, to the PHA managers, techniques to obtain non-federal funding for energy efficiency projects, the impact of energy conservation measures, and the benefits of energy efficiency education for maintenance personnel and tenants.

The determination to make this award is based on the following information: A technical evaluation of the proposed project was performed pursuant to 10 CFR 600.14 (d) and (e). DOE determined that the proposed project represents an innovative approach to accomplishing a public purpose of support or stimulation and such project is meritorious since it emphasizes achievement of conservation through energy efficiency, multi-level education, new financing methods, and cooperation between federal and state/local agencies. The probability of achieving the anticipated objectives is extremely high. The facilities and qualifications of the key personnel are more than adequate. The proposed project is unique in that it offers an innovative approach to evaluating the method or combination of methods which are most effective in conserving energy in multi-family housing; and DOE knows of no other entity that is conducting or planning to conduct such an effort. This proposal would not be eligible for financial assistance under a recent, current, or planned solicitation and a competitive solicitation would be inappropriate.

The DOE share for co-funding the first year of the proposal is estimated at \$75,000 and these funds will be used to support project activities during Phase I and II. The anticipated budget period of the first two phases of the project is July 1992 through June 1993. Depending on the availability of funds and satisfactory first year progress, a second one-year continuation award may be funded.

FOR FURTHER INFORMATION CONTACT: Margaret Learmouth, Denver Support Office, U.S. Department of Energy, 1075 South Yukon St., Lakewood, CO. 80226. (303) 969-7000 extension 230.

Issued in Chicago, Illinois on August 18, 1992.

Timothy S. Crawford,

Assistant Manager for Administration.

[FR Doc. 92-20631 Filed 8-26-92; 8:45 am]

BILLING CODE 6450-01-M

Chicago Field Office; Intent To Award Financial Assistance Grant to Wallace Energy Systems

AGENCY: Department of Energy.

ACTION: Notice of unsolicited application financial assistance award.

SUMMARY: The Department of Energy (DOE), Chicago Field Office, through the Atlanta Support Office, announces that pursuant to 10 CFR 600.6(a)(2), it is making a discretionary financial assistance award based on acceptance of an unsolicited application meeting the criteria of 10 CFR 600.14(e)(1) to Wallace Energy Systems under Grant Number DE-FG44-92CE15371. The proposed grant will provide funding in the estimated amount of \$90,000 to Wallace Energy Systems for the purpose of developing an improved air-conditioning/water heater, heat pump system. Assuming a reasonable market penetration, the technology could have a significant impact on energy conservation.

SUPPLEMENTARY INFORMATION: The Department of Energy has determined that, in accordance with 10 CFR 600.14(f) that the application submitted by Wallace Energy Systems, is meritorious based on the general evaluation required by 10 CFR 600.14(d) and that the proposed project represents a unique idea that would not be eligible for financial assistance under a recent, current or planned solicitation. The technology is an air-conditioning/heat pump water heater capable of operating efficiently in ambient conditions from 5° F to 115° F. The proposed project is not eligible for financial assistance under a recent, current or planned solicitation because the funding program, the Energy-Related Inventions Program (ERIP), has been structured since its beginning in 1975 to operate without competitive solicitations because the authorizing legislation directs ERIP to provide support for worthy ideas submitted by the public. The program has never issued and has no plans to issue a competitive solicitation.

The anticipated term of the proposed grant is 24 months from the date of the award.

FOR FURTHER INFORMATION CONTACT: James R. Powell, U.S. Department of Energy, Atlanta Support Office, 730 Peachtree Street, NE., Atlanta, Georgia 30308, (404) 347-2888.

Issued in Chicago, Illinois on August 18, 1992.

Timothy S. Crawford,

Assistant Manager for Administration.

[FR Doc. 92-20633 Filed 8-26-92; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. CP92-654-000, et al.]

Williams Natural Gas Co., et al.; Natural Gas Certificate Filings

August 20, 1992.

Take notice that the following filings have been made with the Commission:

1. Williams Natural Gas Company

[Docket No. CP92-654-000]

Take notice that on August 13, 1992, Williams Natural Gas Company (Williams), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP92-654-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to operate a delivery point for service to Mid-Gulf, Inc. (Mid-Gulf), under Williams' blanket certificate issued in Docket No. CP82-479-000, all as more fully described in the request which is on file with the Commission and open to public inspection.

Williams proposes to add a delivery point for the transportation of natural gas for Mid-Gulf in Leavenworth County, Kansas, for subsequent delivery to Greenley Gas Company. It is stated that the delivery point consists of existing receipt facilities which Williams would reverse to use for deliveries. It is stated that Williams will deliver approximately 4,000 Mcf of natural gas on a peak day and 340,000 Mcf on an annual basis to Mid-Gulf. It is asserted that the cost of reversing the facilities would be \$1,857, for which Williams would be reimbursed by Mid-Gulf. Williams states that it has sufficient capacity to accomplish the proposed deliveries without detriment or disadvantage to its other customers.

Comment date: October 5, 1992, in accordance with Standard Paragraph G at the end of this notice.

2. Williams Natural Gas Company

[Docket No. CP92-650-000]

Take notice that on August 12, 1992, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP92-654-000 a prior notice request with the Commission pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) to abandon the transportation of natural gas for direct sale to Leland D. Meairs (Meairs) in Haskell County, Kansas, and the facilities necessary to make the sale, under the blanket certificates issued in Docket Nos. CP82-479-000 and CP86-631-000 pursuant to section 7 of the

NGA, all as more fully set forth in the request which is open to the public for inspection.

Specifically, WNG proposes to abandon the transportation of natural gas for direct sale to Meairs and to reclaim measuring, regulating, and appurtenant facilities at two locations in Haskell County. WNG states that Meairs requested the termination of the service because he no longer needs the gas for irrigation. WNG estimates that it will cost \$1,100 to reclaim the appurtenant facilities.

Comment date: October 5, 1992, in accordance with Standard Paragraph G at the end of this notice.

3. Northwest Pipeline Corporation

[Docket No. CP92-655-000]

Take notice that on August 14, 1992, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84158, filed in Docket No. CP92-655-000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to reallocate firm service among certain delivery points under its Rate Schedule ODL-1 and SGS-1 Service Agreements with Intermountain Gas Company (Intermountain) and to provide deliveries to an additional point under Intermountain's SGS-1 Service Agreement under its blanket certificate issued in Docket No. CP92-433-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Northwest states that, at Intermountain's request, it proposes a reallocation of firm Maximum Daily Delivery Obligations (MDDO) among twelve delivery points under its ODL-1 Service Agreement in order to better satisfy current and projected firm service requirements in Intermountain's distribution areas. Also, at Intermountain's request, Northwest proposes to add the Twin Falls No. 1 delivery point and to reallocate firm Maximum Daily Quantities (MDQ) among three delivery points under Intermountain's SGS-1 Service Agreement. Northwest states that total volumes authorized to be delivered to Intermountain under that affected service agreements will not change as a result of the proposed delivery point changes and that each of Northwest's existing meter stations at the involved delivery points has adequate capacity to accommodate the proposed delivery reallocations.

Northwest also states that it requests that the approvals previously received

in Docket No. CP91-3040-000 be amended to conform with Northwest's subsequent construction activities which slightly deviated from the scope of the approved upgrades for the meter facilities at the Meridian, Caldwell, Idaho State Penitentiary and Soda Springs Meter Stations. Subsequent to the docket No. CP91-3040-000 approval, Northwest indicates that it determined that major modifications to the proposed upgrade designs were necessary to provide better control of deliveries over a wider range of potential flow rates. Northwest says that, as actually constructed, the subject modifications generally resulted in retention, instead of replacement, of one of the existing regulator sets to ensure continued accurate pressure control at existing flow rates, with the remainder of the authorized facility changes being adequate to meet Intermountain's projected, increased future flow requirements. Further, Northwest avers that the modified upgrades of these meter stations did not significantly change the design capacities or the construction costs originally estimated.

Comment date: October 5, 1992, in accordance with standard Paragraph G at the end of this notice.

4. United Gas Pipe Line Company

[Docket No. CP92-656-000]

Take notice that on August 17, 1992, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP92-656-000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to reverse an existing meter station to enable United to transport an estimated 733,600 MMBtu of natural gas per day for MidCon Marketing Corp. (MidCon) to serve USA Gas Company (USA Gas) under United's Rate Schedule ITS, under the authorization issued in Docket No. CP82-430-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

United proposes to reverse the meter tube, check valve and tap valve at an existing receipt side meter station located in Caddo Parish, Louisiana. It is estimated that the cost for revising these metering facilities is \$1,400, which will be reimbursed to United by USA Gas.

United states that it is authorized to provide natural gas transportation service to MidCon under its Transportation agreement dated April 30, 1986. United further states that the service provided to MidCon will be

interruptible and will therefore have no impact on United's curtailment plan.

According to United, it will revise, construct and operate the proposed facilities in compliance with Part 157 of the Commission's Regulations and that the proposed activities will not affect United's ability to serve its other customers.

Comment date: October 5, 1992, in accordance with Standard Paragraph C at the end of this notice.

5. Williston Basin Interstate Pipeline Company

[Docket No. CP92-658-000]

Take notice that on August 18, 1992, Williston Basin Interstate Pipeline Company (Williston Basin), 200 North Third Street, Suite 300, Bismarck, North Dakota 58501, filed in Docket No. CP92-658-000, a request to §§ 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act, to construct and operate a tap, metering station and appurtenant facilities in Campbell County, Wyoming, at a cost of \$7,320, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Williston Basin intends to construct and operate the facilities for use in providing up to 500 Mcf per day of interruptible transportation volumes under its Rate Schedule IT-1 to J.N. Oil and Gas, Inc., (J.N.) for its oil field operations in Campbell County, Wyoming. Williston Basin states that the facilities constructed will be located on existing right-of-way, the installation will have no significant effect on Williston Basin's gas requirements, and the cost of the facilities will be reimbursed by J.N.

Comment date: October 5, 1992, in accordance with Standard Paragraph C at the end of this notice.

6. CNG Transmission Corporation

[Docket No. CP92-653-000]

Take notice that on August 13, 1992, CNG Transmission Corporation (CNG), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP92-653-000 a request pursuant to §§ 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211) for authorization to construct and operate a new meter run and appurtenant facilities at CNG's existing Herkimer Meter and Regulation Station under CNG's blanket certificate issued in Docket No. CP82-537-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

CNG proposes to construct minimal facilities which would involve (1) adding one new meter run and meter (13,980 dekatherms equivalent per day maximum capacity); (2) adding two regulation runs; and (3) replacing an existing 6' x 8' dekatherm building with an 8' x 10' dekatherm building. CNG explains that the proposed facilities would make possible deliveries of natural gas, owned by Indeck-Ilion Limited Partnership (Indeck-Ilion), to Niagara Mohawk Power Corporation (Niagara Mohawk) for final delivery by Niagara Mohawk to Indeck-Ilion's 55 megawatt cogeneration plant near the City of Ilion, Herkimer County, New York. CNG advises that CNG's transportation service for Indeck-Ilion is part of CNG's Lebanon to Leidy (ANR Phase II) project, which the Commission certificated on June 11, 1991 (55 FERC ¶ 61,415), and amended on August 4, 1992 (60 FERC ¶ 61,120). CNG states that Indeck-Ilion would reimburse the total cost of the proposed facilities, which would amount to approximately \$361,083.

Comment date: October 5, 1992, in accordance with Standard Paragraph C at the end of this notice.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 92-20636 Filed 8-26-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP92-636-000, et al.]

Williams Natural Gas Company, et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Williams Natural Gas Company

[Docket No. CP92-636-000]

August 18, 1992.

Take notice that on August 7, 1992, Williams Natural Gas Company (Williams), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP92-636-000, a request pursuant to sections 157.205 and 157.216(b) of the Commission's Regulations under the Natural Gas Act, to abandon by reclaim measuring, regulating and appurtenant facilities serving the manufacturing portion of the Bonner Springs Lone Star Cement Plant (Lone Star) in Wyandotte County, Kansas, under its blanket certificate authorization issued in Docket No. CP82-479-000, all as more fully set forth in the request on file with the Commission and open to public inspection.

Specifically, Williams states that the affected customer is dismantling the manufacturing portion of the plant and has requested that Williams reclaim its facilities. Facilities serving the shipping terminal will remain in place. The reclaim cost is estimated to be \$6,132 with no salvage value.

Comment date: October 2, 1992, in accordance with Standard Paragraph C at the end of this notice.

2. Columbia Gas Transmission Corporation; Columbia Gulf Transmission Company

[Docket No. CP92-648-000]

August 18, 1992.

Take notice that on August 11, 1992, Columbia Gas Transmission Corporation (Columbia Gas), P.O. Box 1273, Charleston, West Virginia 25325-1273, and Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001-0683, filed in Docket No. CP92-648-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon an exchange of natural gas service between Columbia Gas, Columbia Gulf and Trunkline Gas Company (Trunkline), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Columbia Gas and Columbia Gulf propose to abandon the transportation service provided under the exchange agreement (agreement) between Columbia Gas, Columbia Gulf and Trunkline dated March 28, 1978, as amended May 16, 1979, under Columbia Gas' Rate Schedule X-79 and Columbia Gulf's Rate Schedule X-58 to be effective June 20, 1992. Columbia Gas and Columbia Gulf state that Columbia Gas delivers, pursuant to Columbia Gas'

Rate Schedule X-79, up to 35,000 Mcf of natural gas per day to Stingray Pipeline Company in West Cameron 565 for the account of Trunkline. Columbia Gas and Columbia Gulf state that Trunkline redelivers equivalent quantities to Columbia Gulf, pursuant to Columbia Gulf's Rate Schedule X-58 at: (1) Exxon Company, U.S.A.'s (Exxon) existing "A" platform located in Eugene Island Block 314; (2) the jointly owned C-N-T line of Columbia Gulf, Tennessee Gas Pipeline Company (Tennessee) and Natural Gas Pipeline Company located in the Eugene Island area; (3) Texaco, Inc., *et al.*'s existing "A" platform located in Eugene Island Block 313; (4) Shell Oil Company's existing "A" platform located in Eugene Island Block 331; and, (5) Columbia Gulf and Tennessee's jointly owned 30-inch pipeline located in West Cameron Block 601. Balancing points are located at Exxon's existing platforms located in West Cameron Block 616 and 630 at which points either party has the capability of causing gas to be delivered to the other, it is indicated.

Columbia Gas and Columbia Gulf state that pursuant to article IV of the agreement, Columbia Gulf has requested, by written request dated June 21, 1991, termination of the agreement effective June 20, 1992.

Comment date: September 8, 1992, in accordance with Standard Paragraph F at the end of this notice.

3. Trunkline Gas Company

[Docket No. CP92-652-000]

August 19, 1992.

Take notice that on August 12, 1992, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP92-652-000, a request pursuant to §§ 157.205 and 157.216 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to abandon four sales taps and the related sales service to four farm tap customers, under blanket certificate issued in Docket No. CP86-586-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Trunkline states that it has received termination letters from two farm tap customers which states that they no longer desire such sales service; and the third customer signed a letter agreement consenting to abandonment of sales service and facilities by Trunkline. The fourth farm tap customer, Cattle Feeders Association, no longer exists as a company; therefore, it is not possible to

obtain a termination letter from that entity.

Comment date: October 5, 1992, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for

filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 92-20646 Filed 8-26-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RS92-1-000]

ANR Pipeline Company; Conference

August 21, 1992.

Take notice that on September 10, 1992, a conference will be convened in the above-captioned docket to discuss ANR Pipeline Company's summary of its proposed plan for implementation of Order No. 636.

The conference will be held in a hearing or conference room of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC 20426. The conference will begin at 10 a.m. All interested persons are invited to attend. Attendance at the conference, however, will not confer party status. For additional information, interested persons can call Cecilia Desmond at (202) 208-2280.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 92-20640 Filed 8-26-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM93-1-91-000]

ANR Storage Company; Proposed Changes in FERC Gas Tariff

August 21, 1992.

Take notice that ANR Storage Company (ANR Storage), on August 14, 1992, tendered for filing as part of its FERC Gas Tariff, Original Volume No. 2, Fourth Revised Sheet No. 1(a), with a proposed effective date of October 1, 1992.

ANR Storage states that Fourth Revised Sheet No. 1(a), reflects the new Annual Charge Adjustment (ACA) rate as required under the ACA provisions of Order No. 472 issued May 29, 1987. ANR Storage states that the new ACA rate of \$.0023 per Mcf, to be charged by ANR Storage is per the Commission's notice given on July 27, 1992 and is to be effective October 1, 1992.

ANR Storage states that copies of the filing are being served on all of ANR Storage's customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington,

DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before August 28, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room. Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 92-20644 Filed 8-26-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP92-647-000]

Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company; Application

August 20, 1992.

Take notice that on August 11, 1992, Columbia Transmission Corporation (Columbia Gas), P.O. Box 1273, Charleston, West Virginia 25325-1273 and Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001-0683, filed in Docket No. CP92-647-000 an application pursuant to section 7(b) of the Natural Gas Act for an order granting permission and approval to abandon a transportation and exchange service provided to Trunkline Gas Company (Trunkline), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Columbia Gas and Columbia Gulf state that by order issued August 6, 1982, in Docket No. CP82-236-000, *et al.*, Columbia Gas and Columbia Gulf were authorized to provide an interruptible transportation and exchange service for Trunkline under a transportation and exchange agreement (Agreement) dated December 29, 1981, as amended, and filed with the Commission as Rate Schedule X-108 of Columbia Gas' FERC Gas Tariff, Original Volume No. 2, and Rate Schedule Z-83 of Columbia Gulf's FERC Gas Tariff, Original Volume No. 2. Columbia Gas and Columbia Gulf further state that under this Agreement, Trunkline agreed to transport on behalf of Columbia Gulf up to 20,000 Mcf of natural gas per day from Eugene Island Block 392, Offshore Louisiana, and Columbia Gas agreed to transport on behalf of Trunkline up to 20,000 Mcf of natural gas from West Cameron Block 624, offshore Louisiana. The balancing point is the interconnection between the

facilities of Trunkline and Columbia Gulf located near Centerville, St. Mary Parish, Louisiana, it is stated.

On December 19, 1990, Columbia Gas and Columbia Gulf state that they gave written notice of their election to terminate the Agreement at the end of its primary term, December 31, 1991, pursuant to the termination agreement provisions. As a result, Columbia Gas now requests authority to abandon Rate Schedule X-108 and Columbia Gulf now requests authority to abandon its Rate Schedule X-83, both effective December 31, 1991.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 10, 1992, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the National Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Columbia Gas and Columbia Gulf to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 92-20637 Filed 8-26-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RS92-5-000, *et al.*, and RS92-6-000, *et al.*]

Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company; Prefiling Conference

August 21, 1992.

Take notice that prefiling conference will be convened in these proceedings on September 2 and 3, 1992. The conference will convene at 10 a.m. on September 2 at the United States Department of Labor auditorium. The entrance to the Department of Labor building is on Third Street at C Street, NW., Washington, DC. The conference will address proposals of Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company to comply with Order Nos. 636 and 636-A. All parties and Commission staff are invited to attend.

For additional information contact Donald A. Heydt at (202) 208-0740.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 92-20642 Filed 8-26-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP92-661-000]

Freeport-McMoRan, Inc., and Aquila Energy Marketing Corporation, Complainants v. K N Energy, Inc., Respondent; Complaint

August 21, 1992.

Take notice that on August 18, 1992, Freeport-McMoRan, Inc. (FMI), 1615 Poydras Street, New Orleans, Louisiana 70160, and Aquila Energy Marketing Corporation (Aquila), 2533 North 117th Avenue, Suite 300, Omaha, Nebraska 68164, filed in Docket No. CP92-661-000, pursuant to Rule 206 of the Commission's Rules of Practice and Procedure (18 CFR 385.206), a complaint against K N Energy, Inc. (K N) for potential violation of section 7(b) of the Natural Gas Act (NGA), all as more fully set forth in the complaint which is on file with the Commission and open to public inspection.

FMI states that it is a corporation organized under the laws of the State of Delaware, with its principal place of business in New Orleans, Louisiana. FMI states further that it operates a processing plant (Tyrone Plant) downstream from K N's Tyrone System.

Aquila states that it also is a corporation organized under the laws of the State of Delaware, and its principal place of business is in Omaha, Nebraska. Aquila is party to a number of longterm contracts with producers

who are connected to the Tyrone System.

FMI and Aquila submit this complaint against the imminent transfer by K N of certain certificated jurisdictional transportation facilities (Tyrone System) in Beaver County and Texas County, Oklahoma, to GPM Gas Corporation (GPM), a subsidiary of Phillips Petroleum Company (Phillips), without K N first obtaining approval of the abandonment under section 7(b) of the NGA.

FMI and Aquila conclude from evidence gathered by their field employees that GPM is currently scheduled to acquire the Tyrone System on September 1, 1992, in exchange for facilities in Douglas, Wyoming owned by Phillips. Because K N plans to implement the exchange in the very near future and has not yet sought abandonment authorization, FMI and Aquila believe that K N plans to implement the exchange without prior approval from the Commission. As a result, K N will be in violation of section 7(b) of the NGA. Also, FMI and Aquila assert that consummation of the exchange as proposed will result in the abandonment by K N of jurisdictional open-access transportation facilities and the continued open-access transportation of gas by GPM for third parties.

FMI and Aquila are also concerned that, prior to the exchange, K N may construct new delivery facilities on the Tyrone System without prior Commission authorization¹. Because of K N's latest action, FMI and Aquila are convinced that K N intends either to proceed with construction under the pretense that the facilities are not jurisdictional or, because the exchange is imminent, to delay construction until the facilities are owned by GPM.

FMI and Aquila assert that the Commission should require K N to seek abandonment of the Tyrone System through a formal section 7(b) proceeding, and that abandonment should not be granted unless Phillips agrees: (1) To seek a certificate of public convenience and necessity under section 7(c); and (2) to operate the Tyrone System as an open-access transportation system subject to the Commission's open-access regulations under part 284.

Any person desiring to be heard or to make any protest with reference to said complaint should, on or before September 21, 1992, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR (385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. Respondent's answer to the complaint shall be due on or before September 21, 1992.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 92-20639 Filed 8-26-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP92-649-000]

Kansas Public Service Division of UtiliCorp United Inc. v. Williams Natural Gas Company; Complaint

August 18, 1992.

Take notice that on August 10, 1992, Kansas Public Service Division of UtiliCorp United Inc. (KPS), 110 East 9th Street, Lawrence, Kansas 66044, filed in Docket No. CP92-649-000 pursuant to Rule 206 of the Commission's Rules of Practice and Procedure (18 CFR 385.206) a complaint, and request for injunction, prohibiting the construction by Williams Natural Gas Company (WNG) of tap and pipeline facilities in Douglas County, Kansas, for service to The Lawrence Paper Company (Lawrence Paper) and to prohibit WNG from providing interstate transportation of natural gas to Lawrence Paper, all as more fully set forth in the complaint which is on file with the Commission and open to public inspection.

KPS avers that WNG proposes to construct a line from WNG's interstate pipeline to plant facilities of Lawrence Paper in Douglas County, Kansas, and to utilize those facilities to provide firm and interruptible interstate transportation of natural gas directly to Lawrence Paper under the authority of section 311 of the Natural Gas Policy Act of 1978. KPS also avers that WNG proposes to commence this construction during August 1992.

KPS alleges that the construction and transportation should be enjoined immediately and permanently because,

inter alia, the proposed facilities duplicate existing, available facilities that could be used to provide the proposed service; WNG has not filed the advance notice of section 311 construction mandated by Commission Regulations; WNG's proposal is contrary to the policy of the State of Kansas; and WNG does not have capacity available for the proposed service.

KPS requests an immediate injunction prohibiting construction.

Any person desiring to be heard or to make any protest with reference to said complaint should on or before September 8, 1992, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. Answers to the complaint shall be due on or before September 17, 1992.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 92-20638 Filed 8-26-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM93-1-47-000]

MIGC, Inc.; Compliance Filing

August 21, 1992.

Take notice that on August 14, 1992, MIGC, Inc. (MIGC) tendered for filing Sixty-Second Revised Sheet No. 32 to MIGC's FERC Gas Tariff, Original Volume No. 1. This tariff sheet is proposed to become effective October 1, 1992.

MIGC states that the instant filing is being submitted to reflect Annual Charge Adjustment unit charges applicable to transportation services during the fiscal year commencing October 1, 1992.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214 and 385.211. All such petitions or

¹ K N, on May 27, 1992, filed a Request Under the Blanket Certificate to construct three new delivery points to deliver gas to Phillips on behalf of K N's affiliate, K N Gas Marketing, Inc. FMI and Aquila protested the Request, and on August 3, 1992, K N filed a Notice of Withdrawal of its Request. Simultaneously with this complaint, FMI and Aquila are parties to a Motion in Opposition to K N's Notice of Withdrawal.

protests should be filed on or before August 28, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 92-20643 Filed 8-26-92; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RS92-44-000]

Moraine Pipeline Company; Conference

August 21, 1992.

Take notice that on September 17, 1992, a conference will be convened in the above-captioned docket to discuss Moraine Pipeline Company's summary of its proposed plan for implementation of Order Nos. 636 and 636-A.

The conference will be held at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC 20426. The conference will begin at 2 p.m. All interested persons are invited to attend. Attendance at the conference, however, will not confer party status. For additional information, interested persons can call Whit Holden at (202) 208-1118 or Frank Knight at (202) 208-0525.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 92-20641 Filed 8-26-92; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. EL89-55-002]

New England Power Co.; Filing

August 21, 1992.

Take notice that on August 6, 1992, New England Power Company (NEP) tendered for filing its compliance refund report in the above-referenced docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before September 2, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make

protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 92-20634 Filed 8-26-92; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TM93-1-86-000]

Pacific Gas Transmission Company; Annual Charge Adjustment

August 21, 1992.

Take notice that on August 19, 1992, Pacific Gas Transmission Company (PGT) tendered for filing a notice of a revision in the Annual Charge Adjustment (ACA) for jurisdictional sales and transportation customers in accordance with Paragraph 2 of the General Terms and Conditions in PGT's FERC Gas Tariff, Second Revised Volume No. 1 and Paragraph 22 of the Transportation General Terms and Conditions in PGT's FERC Gas Tariff, Original Volume No. 1-A.

PGT submits for filing and acceptance Sixteenth Revised Sheet No. 4, Fourth Revised Sheet No. 5, of Second Revised Volume No. 1, and Seventh Revised Sheet No. 4 of Original Volume No. 1-A of its FERC Gas Tariff to become effective October 1, 1992.

PGT states that the above tariff sheets have been revised to reflect a modification to the ACA fee, in accordance with the Commission's most recent Annual Charge billing to PGT.

PGT states that copies of the filing are being served on all affected jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before August 28, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection in the public reference room.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 92-20645 Filed 8-26-92; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP89-7-021]

Transcontinental Gas Pipe Line Corp.; Compliance Filing

August 18, 1992.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing on July 28, 1992 certain tariff sheets to its FERC Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2, which tariff sheets are proposed to be effective as indicated in appendix A attached to the filing.

Transco states that the purpose of its July 29, 1992 filing is to comply with the Commission's June 29, 1992 letter order (June 29 Order) in Docket Nos. CP89-7-013 *et al.* in which the Commission accepted certain tariff sheets, rejected certain tariff sheets and required Transco to file certain other tariff sheets reflecting certain modifications related to Transco's System Expansion and Niagara Cogen Projects. Transco also submitted in the filing revised tariff sheets to incorporate revised fuel retention factors effective April 1, 1992 which were determined based on incremental fuel retention factors for the System Expansion and Niagara Cogen Projects. Such fuel retention factors are the same as those reflected in the alternate tariff sheets included as part of Transco's filing of March 3, 1992 in Docket No. TM92-8-29-000.

Transco served copies of the instant filing to its System Expansion and Niagara Cogen shippers and interested State Commissions. In accordance with provisions of § 154.16 of the Commission's Regulations, copies of this filing are available for public inspection, during regular business hours, in a convenient form and place at Transco's main offices at 2800 Post Oak Boulevard in Houston, Texas.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before August 25, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make

protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 92-20635 Filed 8-26-92; 8:45 am]

BILLING CODE 6717-01-M

Office of Conservation and Renewable Energy

[Case No. F-052]

Energy Conservation Program for Consumer Products: Bard Manufacturing Co.

AGENCY: Office of Conservation and Renewable Energy, Department of Energy.

SUMMARY: Today's notice publishes a letter granting an Interim Waiver to Bard Manufacturing Company (Bard) from the existing Department of Energy (DOE) test procedure regarding blower time delay for the company's DCH series of condensing furnaces.

Today's notice also publishes a "Petition for Waiver" from Bard. Bard's Petition for Waiver requests DOE to grant relief from the DOE test procedure relating to the blower time delay specification. Bard seeks to test using a blower delay time of 60 seconds for its series condensing furnaces instead of the specified 1.5-minute delay between burner on-time and blower on-time. DOE is soliciting comments, data, and information respecting the Petition for Waiver.

DATES: DOE will accept comments, data, and information not later than September 28, 1992.

ADDRESSES: Written comments and statements shall be sent to: Department of Energy, Office of Conservation and Renewable Energy, Case No. F-052, Mail Stop CE-90, room 6B-025, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-8757.

FOR FURTHER INFORMATION CONTACT:

Cyrus H. Nasser, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Station CE-431, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9127.

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC-41, Forrestal Building, 1000 Independence Avenue, S.W., Washington, DC 20585, (202) 586-9507.

SUPPLEMENTARY INFORMATION: The Energy Conservation Program for

Consumer Products (other than automobiles) was established pursuant to the Energy Policy and Conservation Act (EPCA), Public Law 94-163, 89 Stat. 917, as amended by the National Energy Conservation Policy Act (NECPA), Public Law 95-619, 92 Stat. 3266, the National Appliance Energy Conservation Act of 1987 (NAECA), Public Law 100-12, and the National Appliance Energy Conservation Amendments of 1988 (NAECA 1988), Public Law 100-357, which requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including furnaces. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR part 430, subpart B.

DOE amended the prescribed test procedures by adding 10 CFR 430.27 on September 26, 1980, creating the waiver process. 45 FR 64108. Thereafter DOE further amended the appliance test procedure waiver process to allow the Assistant Secretary for Conservation and Renewable Energy (Assistant Secretary) to grant an Interim Waiver from test procedure requirements to manufacturers that have petitioned DOE for a waiver of such prescribed test procedures. 51 FR 42823, November 26, 1986.

The waiver process allows the Assistant Secretary to waive temporarily test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing according to the prescribed test procedures or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption as to provide materially inaccurate comparative data. Waivers generally remain in effect until final test procedure amendments become effective, resolving the problem that is the subject of the waiver.

The Interim Waiver provisions added by the 1986 amendment allow the Assistant Secretary to grant an Interim Waiver when it is determined that the applicant will experience economic hardship if the Application for Interim Waiver is denied, if it appears likely that the Petition for Waiver will be granted, and/or the Assistant Secretary determined that it would be desirable for public policy reasons to grant immediate relief pending a determination on the Petition for Waiver. An Interim Waiver remains in effect for a period of 180 days or until

DOE issues its determination on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180 days, if necessary.

On July 29, 1992, Bard filed an Application for an Interim Waiver regarding blower time delay. Bard's Application seeks an Interim Waiver from the DOE test provision that requires a 1.5-minute time delay between the ignition of the burner and starting of the circulating air blower. Instead, Bard requests the allowance to test using a 60-second blower time delay when testing its DCH series of condensing furnaces. Bard states that the 60-second delay is indicative of how these furnaces actually operate. Such a delay results in an energy savings of approximately 1.0 percent. Since current DOE test procedures do not address this variable blower time delay, Bard asks that the Interim Waiver be granted.

Previous waivers for this type of timed blower delay control have been granted by DOE to Coleman Company, 50 FR 2710, January 18, 1985; Magic Chef Company, 50 FR 41553, October 11, 1985; Rheem Manufacturing Company, 53 FR 48574, December 1, 1988, 55 FR 3253, January 31, 1990, 56 FR 2930, January 25, 1991, and 57 FR 34560, August 5, 1992; Trane Company, 54 FR 19226, May 4, 1989, 56 FR 6021, February 14, 1991; Lennox Industries, 55 FR 50224, December 5, 1990; DMO Industries, 56 FR 4622, February 5, 1991; Heil-Quaker Corporation, 56 FR 6019, February 14, 1991; Carrier Corporation, 56 FR 6018, February 14, 1991; Inter-City Products Corporation, 55 FR 51487, December 14, 1991, and 56 FR 63945, December 6, 1991; Amana Refrigeration Inc., 56 FR 27958, June 18, 1991, and 56 FR 63940, December 6, 1991; Snyder General Corporation, 56 FR 45960, September 9, 1991; Goodman Manufacturing Corporation, 56 FR 51713, October 15, 1991; Armstrong Air Conditioning, Inc., 57 FR 899, January 9, 1992, and 57 FR 10160, March 24, 1992; Thermo Products, Inc., 57 FR 903, January 9, 1992; and The Ducane Company, 56 FR 63943, December 6, 1991. Thus, it appears likely that the Petition for Waiver will be granted for blower time delay.

In those instances where the likely success of the petition for waiver has been demonstrated based upon DOE having granted a waiver for a similar product design, it is the public's interest to have the similar products tested and rated for energy consumption on a comparable basis.

Therefore, based on the above, DOE is granting Bard an Interim Waiver for its DCH series of condensing furnaces. Pursuant to paragraph (e) of § 430.27 of

the Code of Federal Regulation part 430, the following letter granting the Application for Interim Waiver to Bard was issued.

Pursuant to paragraph (b) of 10 CFR part 430.27, DOE is hereby publishing the "Petition for Waiver" in its entirety. The petition contains no confidential information. DOE solicits comments, data, and information respecting the petition.

Issued in Washington, DC, August 24, 1992.

J. Michael Davis,

Assistant Secretary, Conservation and Renewable Energy.

Department of Energy Washington, DC 20585

Mr. Dick Hanna, Manager, Heating and Application Engineering

Bard Manufacturing Company, 1914 Randolph Drive, Bryan, Ohio 43506.

Dear Mr. Hanna: This is in response to your July 29, 1992, Application for Interim Waiver and Petition for Waiver from the Department of Energy (DOE) test procedure regarding blower time delay for the Bard Manufacturing Company (Bard) DCH Series of condensing furnaces.

Previous waivers for this type of timed blower delay control have been granted by DOE to Coleman Company, 50 FR 2710, January 18, 1985; Magic Chef Company, 50 FR 41553, October 11, 1985; Rheem Manufacturing Company, 53 FR 48574, December 1, 1988, 55 FR 3253, January 31, 1990, 56 FR 2920, January 25, 1991, and 57 FR 34560, August 5, 1992; Trane Company, 54 FR 19226, May 4, 1989, 56 FR 6021, February 14, 1991; Lennox Industries, 55 FR 50224, December 5, 1990; DMO Industries, 56 FR 4622, February 5, 1991; Heil-Quaker Corporation, 56 FR 6019, February 14, 1991; Carrier Corporation, 56 FR 6018, February 14, 1991; Inter-City Products Corporation, 55 FR 51487, December 14, 1991, and 56 FR 63945, December 6, 1991; Amana Refrigeration Inc., 56 FR 27958, June 18, 1991, and 56 FR 63940, December 6, 1991; Snyder General Corporation, 56 FR 45960, September 9, 1991; Goodman Manufacturing Corporation, 56 FR 51713, October 15, 1991; Armstrong Air Conditioning, Inc., 57 FR 899, January 9, 1992, and 57 FR 10160, March 24, 1992; Thermo Products, Inc., 57 FR 903, January 9, 1992; and The Ducane Company, 56 FR 63943, December 8, 1991.

Bard's Application for Interim Waiver regarding blower time delay on start-up does not provide sufficient information to evaluate what, if any, economic impact or competitive disadvantage Bard will likely experience absent a favorable determination on its application. However, in those instances where the likely success of the Petition for Waiver has been demonstrated, based upon DOE having granted a waiver for a similar product design, it is in the public interest to have similar products tested and rated for energy consumption on a comparable basis.

Therefore, Bard's Application for an Interim Waiver from the DOE test procedure for its DCH series of condensing furnaces regarding blower time delay is granted.

Bard shall be permitted to test its DCH Series of condensing furnaces on the basis of

the test procedures specified in 10 CFR Part 430, Subpart B, Appendix N, with the modification set forth below.

(i) Section 3.0 in Appendix N is deleted and replaced with the following paragraph:

3.0 Test Procedure. Testing and measurements shall be as specified in section 9 in ANSI/ASHRAE 103-82 with the exception of sections 9.2.2, 9.3.1, and 9.3.2, and the inclusion of the following additional procedures:

(ii) Add a new paragraph 3.10 in Appendix N as follows:

3.10 Gas- and Oil-Fueled Central Furnaces. After equilibrium conditions are achieved following the cool-down test and the required measurements performed, turn on the furnace and measure the flue gas temperature, using the thermocouple grid described above, at 0.5 and 2.5 minutes after the main burner(s) comes on. After the burner start-up delay the blower start-up by 1.5 minutes (t-), unless: (1) the furnace employs a single motor to drive the power burner and the indoor air circulation blower, in which case the burner and blower shall be started together; or (2) the furnace is designed to operate using an unvarying delay time that is other than 1.5 minutes, in which case the fan control shall be permitted to start the blower; or (3) the delay time results in the activation of a temperature safety device which shuts off the burner, in which case the fan control shall be permitted to start the blower. In the latter case, if the fan control is adjustable, set it to start the blower at the highest temperature. If the fan control is permitted to start the blower, measure time delay, (t-), using a stop watch. Record the measured temperatures. During the heat-up test for oil-fueled furnaces, maintain the draft in the flue pipe within ± 0.01 inch of water column of the manufacturer's recommended on-period draft.

This Interim Waiver is based upon the presumed validity of statements and all allegations submitted by the company. This Interim Waiver may be revoked or modified at any time upon a determination that the factual basis underlying the application is incorrect.

The Interim Waiver shall remain in effect for a period of 180 days or until DOE acts on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180-day period, if necessary.

Sincerely,

J. Michael Davis, P.E.,

Assistant Secretary, Conservation and Renewable Energy.

Subject: Blower On-Delay Waiver

July 29, 1992

Assistant Secretary, Office of Conservation and Renewable Energy

United States Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

Gentlemen: Please consider this Petition for Waiver and Application for Interim Waiver pursuant to Title 10 CFR Part 430.27.

Waiver is requested from the test procedures covering gas furnaces found at Appendix N to Subpart B of Part 430. The current heat-up test procedure requires a 90 second delay between burner on and blower

on conditions, and a 90 second blower cool down period after main burner is turned off.

Bard Manufacturing Company will be producing a "DCH" Series of condensing gas upflow furnaces that employ an electronic furnace control that starts the blower 60 seconds after main burner start. Our testing indicates that these furnaces have a one to one and one-half percent AFUE increase compared to the standard test procedure.

Bard believes that a one to one and one-half percent increase in AFUE is a worthwhile energy savings. Current test procedures do not give credit for the saved energy, thus providing inaccurate comparative data that is not representative of actual furnace operation.

Bard requests an interim waiver to permit calculation based actual timed blower operation because it is likely that our waiver will be granted. Similar waivers have been granted to other manufacturers in the past.

Confidential comparative test data which verify the results above are available upon your request.

A copy of this Petition for Waiver and Application for Interim Waiver is being sent to other manufacturers who market similar products.

Sincerely,

Dick Hanna,

Manager, Heating and Application Engineering.

[FR Doc. 92-20628 Filed 8-26-92; 8:45 am]

BILLING CODE 6450-01-M

[Case No. F-050]

Energy Conservation Program for Consumer Products; Carrier Corporation

AGENCY: Office of Conservation and Renewable Energy, Department of Energy.

ACTION: Decision and Order.

SUMMARY: Notice is given of the Decision and Order (Case No. F-050) granting a Waiver to Carrier Corporation (Carrier) from the existing Department of Energy (DOE) test procedure for furnaces. The Department is granting Carrier its Petition for Waiver regarding blower time delay in calculation of Annual Fuel Utilization Efficiency (AFUE) for its 58WAV/395CAV, 58ZAV/376CAV, 58PAV/383KAV, 58RAV/373LAW, GB1A, and GB3A series of induced draft furnaces.

FOR FURTHER INFORMATION CONTACT:

Cyrus H. Nasser, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Station CE-431, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9127.
Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel,

Mail Station GC-41, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9507.

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 430.27(g), notice is hereby given of the issuance of the Decision and Order as set out below. In the Decision and Order, Carrier has been granted a Waiver for its 58WAV/395CAV, 58ZAV/376CAV, 58PAV/383KAV, 58RAV/373LAV, GB1A, and GB3A series of induced draft furnaces, permitting the company to use an alternate test method in determining AFUE.

Issued in Washington, DC, August 21, 1992.

J. Michael Davis,

Assistant Secretary, Conservation and Renewable Energy.

Decision and Order

In the matter of: The Carrier Corporation (Case No. F-050).

Background

The Energy Conservation Program for Consumer Products (other than automobiles) was established pursuant to the Energy Policy and Conservation Act (EPCA), Public Law 94-163, 89 Stat. 917, as amended by the National Energy Conservation Policy Act (NECPA), Public Law 95-619, 92 Stat. 3266, the National Appliance Energy Conservation Act of 1987 (NAECA), Public Law 100-12, and the National Appliance Energy Conservation Amendments of 1988 (NAECA 1988), Public Law 100-357, which requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including furnaces. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR part 430, subpart B.

DOE amended the prescribed test procedures by adding 10 CFR 430.27 to create a waiver process. 45 FR 64108, September 26, 1980. Thereafter, DOE further amended its appliance test procedure waiver process to allow the Assistant Secretary for Conservation and Renewable Energy (Assistant Secretary) to grant an Interim Waiver from test procedure requirements to manufacturers that have petitioned DOE for a waiver of such prescribed test procedures. 51 FR 42823, November 26, 1986.

The waiver process allows the Assistant Secretary to waive temporarily test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing according to the prescribed test procedures or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption as to provide materially inaccurate comparative data. Waivers generally remain in effect until final test procedure amendments become effective, resolving the problem that is the subject of the waiver.

The Interim Waiver provisions added by the 1986 amendment allow the Assistant Secretary to grant an Interim Waiver when it is determined that the applicant will experience economic hardship if the Application for Interim Waiver is denied, if it appears likely that the Petition for Waiver will be granted, and/or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the Petition for Waiver. An Interim Waiver remains in effect for a period of 180 days or until DOE issues its determination on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180 days, if necessary.

Carrier filed a "Petition for Waiver," dated March 4, 1992, in accordance with § 430.27 of 10 CFR part 430. DOE published in the Federal Register on June 3, 1992, Carrier's petition and solicited comments, data and information respecting the petition. 57 FR 23394. Carrier also filed an "Application for Interim Waiver" under section 430.27(g) which DOE granted on May 27, 1992. 57 FR 23394, June 3, 1992.

No comments were received concerning either the "Petition for Waiver" or the "Interim Waiver." DOE consulted with The Federal Trade Commission (FTC) concerning the Carrier Petition. The FTC did not have any objections to the issuance of the waiver to Carrier.

Assertions and Determinations

Carrier's Petition seeks a waiver from the DOE test provisions that require a 1.5-minute time delay between the ignition of the burner and the starting of the circulating air blower. Carrier requests the allowance to test using a 45-second blower time delay when testing its 58WAV/395CAV, 58ZAV/376CAV, 58PAV/383KAV, 58RAV/373LAV, GB1A, and GB3A series of induced draft furnaces. Carrier states that since the 45-second delay is indicative of how these models actually operate and since such a delay results in an improvement in efficiency of approximately 0.6 percent, the petition should be granted.

Under specific circumstances, the DOE test procedure contain exceptions which allow testing with blower delay times of less than the prescribed 1.5-minute delay. Carrier indicates that it is unable to take advantage of any of these exceptions for its 58WAV/395CAV, 58ZAV/376CAV, 58PAV/383KAV, 58RAV/373LAV, GB1A, and GB3A series of induced draft furnaces.

Since the blower controls incorporated on the Carrier furnaces are designed to impose a 45-second blower delay in every instance of start up, and since the current provisions do not specifically address this type of control, DOE agrees that a waiver should be granted to allow the 45-second blower time delay when testing the Carrier 58WAV/395CAV, 58ZAV/376CAV, 58PAV/383KAV, 58RAV/373LAV, GB1A, and GB3A series of induced draft furnaces. Accordingly, with regard to testing the 58WAV/395CAV, 58ZAV/376CAV, 58PAV/383KAV, 58RAV/373LAV, GB1A, and GB3A series of induced draft furnaces, today's Decision and Order exempts Carrier from the existing provisions regarding blower controls and allows testing with the 45-second delay.

It is, therefore, ordered that: (1) The "Petition for Waiver" filed by Carrier Corporation (Case No. F-050) is hereby granted as set forth in paragraph (2) below, subject to the provisions of paragraphs (3), (4), and (5).

(2) Notwithstanding any contrary provisions of appendix N of 10 CFR part 430, subpart B, Carrier Corporation shall be permitted to test its 58WAV/395CAV, 58ZAV/376CAV, 58PAV/383KAV, 58RAV/373LAV, GB1A, and GB3A series of induced draft furnaces on the basis of the test procedure specified in 10 CFR part 430, with modifications set forth below:

(i) Section 3.0 of appendix N is deleted and replaced with the following paragraph: 3.0 Test Procedure. Testing and measurements shall be as specified in section 9 in ANSI/ASHRAE 103-82 with the exception of sections 9.2.2, 9.3.1, and 9.3.2, and the inclusion of the following additional procedures:

(ii) Add a new paragraph 3.10 to appendix N as follows: 3.10 Gas- and Oil-Fueled Central Furnaces. The following paragraph is in lieu of the requirement specified in section 9.3.1 of ANSI/ASHRAE 103-82. After equilibrium conditions are achieved following the cooldown test and the required measurements performed, turn on the furnaces and measure the flue gas temperature, using the thermocouple grid described above, at 0.5 and 2.5 minutes after the main burner(s) comes on. After the burner start-up, delay the blower start-up by 1.5 minutes (t-), unless: (1) The furnace employs a single motor to drive the power burner and the indoor air circulating blower, in which case the burner and blower shall be started together; or (2) the furnace is designed to operate using an unvarying delay time that is other than 1.5 minutes, in which case the fan control shall be permitted to start the blower; or (3) the delay time results in the activation of a temperature safety device which shuts off the burner, in which case the fan control shall be permitted to start the blower. In the latter case, if the fan control is adjustable, set it to start the blower at the highest temperature. If the fan control is permitted to start the blower, measure time delay, (t-), using a stopwatch. Record the measured temperatures. During the heat-up test for oil-fueled furnaces, maintain the draft in the flue pipe within ± 0.01 inch of water column of the manufacturer's recommended on-period draft.

(iii) With the exception of the modifications set forth above, Carrier Corporation shall comply in all respects with the test procedures specified in appendix N of 10 CFR part 430, subpart B.

(3) The Waiver shall remain in effect from the date of issuance of this Order until DOE prescribes final test procedures appropriate to the 58WAV/395CAV, 58ZAV/376CAV, 58PAV/383KAV, 58RAV/373LAV, GB1A, and GB3A series of induced draft furnaces manufactured by Carrier Corporation.

(4) This Waiver is based upon the presumed validity of statements, allegations, and documentary materials submitted by the petitioner. This Waiver may be revoked or modified at any time upon a determination

that the factual basis underlying the petition is incorrect.

(5) Effective August 21, 1992, this Waiver supersedes the Interim Waiver granted the Carrier Corporation on May 27, 1992, 57 FR 23394, June 3, 1992 (Case No. F-050).

Issued in Washington, DC, August 21, 1992.

J. Michael Davis,

Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 92-20626 Filed 8-26-92; 8:45 am]

BILLING CODE 6450-01-M

Conservation and Renewable Energy

[CE-Support Office Boston]

Financial Assistance Award; Intent To Award Grant Massachusetts Institute of Technology

AGENCY: Department of Energy.

ACTION: Notice of unsolicited financial assistance award.

SUMMARY: Pursuant to 10 CFR 600.14, the Department of Energy, Chicago Field Office, through the Boston Support Office, intends to award a grant to the Massachusetts Institute of Technology. The grant will provide funding in the amount of \$300,000 for a program entitled: Research and Assessment Studies in Support of DOE Programs Related to Improved Resource Conservation and Environmental Quality. The review of the proposed project has assured DOE that the work proposed will allow CE to benefit from work being done on related R&D programs. The results will contribute to the ultimate goal of assessing, understanding and communicating technology, economic, energy and environmental impacts to program stakeholders and to the nation.

DOE knows of no other entity that is conducting or planning to conduct such an effort. This effort is suitable for noncompetitive financial assistance and would not be eligible for financial assistance under a recent, current, or planned solicitation.

The budget period of this grant shall be twelve (12) months from the effective date of award, and the project period will be for a term of five years from the effective date of award.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Boston Office; Attn: Mr. Hugh Saussy, Jr.; One Congress Street, Boston, MA 02114-2021.

Issued in Chicago, Illinois on August 18, 1992.

Timothy S. Crawford,

Assistant Manager for Administration.

[FR Doc. 92-20632 Filed 8-26-92; 8:45 am]

BILLING CODE 6450-01-M

Office of Fossil Energy

[FE Docket No. 92-56-NG]

Unocal Canada Ltd.; Order Granting Blanket Authorization To Import Natural Gas

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of an Order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Unocal Canada Limited authorization to import up to 100 Bcf of natural gas, including liquefied natural gas, from Canada, Mexico, and other countries over a two-year term beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, August 21, 1992.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs Fossil Energy.

[FR Doc. 92-20630 Filed 8-26-92; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ECAO-CD-92-0746; FRL-4199-9]

Air Quality Criteria for Ozone and Related Photochemical Oxidants

AGENCY: U.S. Environmental Protection Agency.

ACTION: Call for Information.

SUMMARY: The Environmental Criteria and Assessment Office, Office of Health and Environmental Assessment, of the U.S. Environmental Protection Agency (U.S. EPA) is undertaking to update and revise, where appropriate, the *Air Quality Criteria for Ozone and Other Photochemical Oxidants* (EPA-600/8-84-020a-eF) published in August, 1986.

Since completion of the 1986 ozone criteria document, the U.S. EPA has continued to collect scientific information that may be particularly relevant to a review of the National Ambient Air Quality Standards for ozone. A summary of selected literature published from 1986 through early 1989 on the health and vegetation effects of ozone exposure was published as a supplement to the criteria document (EPA/600/8-88/105F).

As part of this continuing review, interested parties are invited to assist the U.S. EPA in developing and refining a scientific information base for further updating of the air quality criteria for ozone. While EPA has continued to follow the literature and compile appropriate studies since early 1989, identification of new information in the following areas will be particularly useful: effects of exposure in laboratory animals and humans; effects on vegetation, agroecosystems (crops), and natural ecosystems; effects on nonbiological materials; effects on global climate; chemistry and physics; sources and emissions; analytical methodology; transformation and transport in the environment; and ambient concentrations. To be considered for inclusion in the criteria document, submitted information should be published, be accepted for publication, or have been presented at a public, scientific meeting.

DATES: All communications and information must be submitted by October 26, 1992, and addressed to the Project Manager for Ozone and Related Photochemical Oxidants, Environmental Criteria and Assessment Office (MD-52), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711.

Dated: August 18, 1992.

John H. Skinner,

Acting Assistant Administrator for Research and Development.

[FR Doc. 92-20598 Filed 8-26-92; 8:45 am]

BILLING CODE 6560-50-M

[OPPTS-00123; FRL-4161-1]

Announcement of Public Meeting and Solicitation of Public Comment; Chemical Processing Under TSCA

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This Notice announces a 1-day public meeting and the opportunity to provide comments on EPA's interpretation of the definition of "process" under the Toxic Substances Control Act (TSCA) and regulations promulgated thereunder. This Notice also announces the public availability of a comprehensive background information document on chemical processing activities subject to TSCA and TSCA regulations.

DATES: The public meeting will be held on Tuesday, September 22, 1992, from 9 a.m. to 12 noon and 1 p.m. to 4 p.m. All written comments (including written

transcripts of oral remarks presented at the public meeting) should be received by EPA in triplicate no later than September 30, 1992.

ADDRESSES: The public meeting will be held at: The Holiday Inn, 550 C St., SW., Washington, DC 20024, (202) 479-4000. Requests for the public meeting registration package, the background information document, and the scheduling of oral remarks should be sent to: TSCA Assistance Information Service, Environmental Assistance Division (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: (202) 554-1404, TDD: (202) 554-0551, FAX: (202) 554-5603 (document requests only). Written comments (including written transcripts of oral remarks made at the public meeting) should be submitted in triplicate to: TSCA Document Processing Center (TS-793), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Attn: TSCA Process Definition [OPPTS Docket 00123].

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: (202) 554-1404, TDD: (202) 554-0551.

SUPPLEMENTARY INFORMATION: Since TSCA was enacted in 1977, EPA has received numerous inquiries concerning the scope of the definition of the term "process" under section 3(10) of TSCA and the coverage of chemical processors under various TSCA regulations. In order for EPA to address this subject in a comprehensive and organized manner and to ensure broad public participation, EPA is soliciting public comment and sponsoring a 1-day public meeting to allow all interested persons the opportunity to present their views on this subject. In addition, EPA has assembled a comprehensive background information document on chemical processing as used in EPA's TSCA regulations, policies, and related documents (e.g., Question and Answer (Q&A) documents, formal EPA correspondence) that is available upon request. Following the public meeting and a review of all written comments received, EPA will examine and address as appropriate specific issues in priority order starting with those that are determined to be of the greatest concern to the regulated community and others. Any person interested in receiving the background information document and/

or a meeting registration package, as well as those persons interested in making oral presentations at the meeting, should contact EPA's TSCA Assistance Information Service at the above address prior to September 22, 1992. Considering that EPA expects a large number of participants at the meeting, each speaker will be allowed no more than 15 minutes for the presentation of oral remarks. All written comments (including written transcripts of oral remarks presented at the public meeting) should be received in triplicate by EPA's TSCA Document Processing Center at the above address no later than September 30, 1992.

An official public record has been established (OPPTS Docket 00123) and is available for public viewing in EPA's TSCA Public Docket Office from 8 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday, except legal holidays. The TSCA Public Docket Office is located in Rm. NE-G004, 401 M St., SW., Washington, DC 20460.

Dated: August 17, 1992.

Mark A. Greenwood

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 92-20595 Filed 8-26-92; 8:45 am]

BILLING CODE 6560-50-F

[FRL-4199-6]

Public Water Supply Supervision Program; Program Revisions for the States of Alaska and Washington

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given that the State of Alaska and the State of Washington are revising their approved State Public Water Supply Supervision Primacy Programs. Both States have adopted (1) drinking water regulations for eight volatile organic chemicals that correspond to the National Primary Drinking Water Regulations for eight volatile organic chemicals promulgated by EPA on July 8, 1987 at 52 FR 25690 and (2) public notice regulations that correspond to the revised EPA public notice requirements promulgated on October 28, 1987 at 52 FR 41534. EPA has determined that these two sets of State program revisions are no less stringent than the corresponding Federal regulations. Therefore, EPA has tentatively decided to approve both States' program revisions.

All interested parties are invited to request a public hearing. A request for a public hearing must be submitted September 28, 1992 to the Regional

Administrator at the address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made by September 28, 1992, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on her own motion, this determination shall become effective September 28, 1992.

Any request for a public hearing shall include the following: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; (2) a brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing; and (3) the signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

For the State of Alaska:

Department of Environmental Conservation (DEC), 410 West Willoughby, Suite 105, Juneau, Alaska 99801-1795.

DEC South Central Regional Office, 3601 C Street, Suite 1334, Anchorage, Alaska 99503.

DEC Northern Regional Office, 1001 Noble Street, Suite 350, Fairbanks, Alaska 99701.

For the State of Washington:

Department of Health (DOH), Division of Drinking Water, Airstream Center Building #3, Olympia, Washington 98504.

DOH Northwest Regional Office, 1511 Third Avenue, #719, Seattle, Washington 98101.

DOH Eastern Regional Office, West 924 Sinto Avenue, Spokane, Washington 99201.

For either state:

Environmental Protection Agency, Region 10 Library, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Wendy Marshall, EPA, Region 10, Drinking Water Programs Branch, at the Seattle address given above; telephone (206) 553-1890.

Dated: August 3, 1992.

Dana A. Rasmussen,
Regional Administrator.

[FR Doc. 92-20597 Filed 8-26-92; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1903]

Petitions for Reconsideration and Clarification Applications for Review and Motions for Stay of Actions in Rule Making Proceedings

August 21, 1992.

Petitions for reconsideration and clarification, applications for review and motions for stay have been filed in the Commission rule making proceedings listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of these documents are available for viewing and copying in room 239, 1919 M Street, NW., Washington, DC., or may be purchased from the Commission's copy contractor Downtown Copy Center (202) 452-1422. Opposition to these petitions, applications and motions must be filed September 11, 1992. See § 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Southampton Bridgehampton, Westhampton, and Calverton-Roanoke, New York) (MM Docket No. 90-283, RM Nos. 7222, 7313, 7485 & 7486). Number of Petitions Filed: 3.

Subject: Bundling of Cellular Customer Premises Equipment and Cellular Service. (CC Docket No. 91-34). Number of Petitions Filed: 1.

Subject: Amendment of Part 90 Concerning Secondary Fixed Operations in the 450-470 MHz Band. (PR Docket No. 91-66). Number of Petitions Filed: 2.

Application for Review

Subject: Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Southampton, Bridgehampton, Westhampton, and Calverton-Roanoke, New York) (MM Docket No. 90-283, RM Nos. 7222, 7313, 7485 & 7486). Number of Applications Filed: 1.

Motion for Stay

Subject: Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Southampton, Bridgehampton, Westhampton, and

Calverton-Roanoke, New York) (MM Docket No. 90-283, RM Nos. 7222, 7313, 7485 & 7486). Number of Motions Filed: 1.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 89-20484 Filed 8-26-89; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

American President Lines, Ltd., et al.; Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC office of the Federal Maritime Commission, 800 North Capitol Street, NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 203-010099-011.

Title: International Council of Containership Operators.

Parties:

American President Lines, Ltd.
A.P. Moller (Maersk Line)
Blue Star Line Ltd.
Compagnie Generale Maritime
Compagnie Maritime Belge S.A.
Crowley Maritime Corporation
Hamburg-Sudamerikanische
Dampfschiffahrt-Gesellschaft Eggert
& Amsinck (Columbus Line)
Hapag-Lloyd AG
Kawasaki Kisen Kaisha, Ltd.
Koninklijke Nedlloyd Group N.V.
Lykes Bros. Steamship Co., Inc.
Mitsui OSK Lines, Ltd.
Neptune Orient Lines Ltd.
Nippon Yusen Kaisha
Orient Overseas Container Line Ltd.
P & O Containers Ltd.
Sea-Land Service, Inc.
Societa Finanziaria Marittima
(Finmare)
South African Marine Corp., Ltd.
The Australian National Line
Transatlantic Shipping Co., Ltd.
Transportacion Maritima Mexicana,
S.A. de C.V.
United Arab Shipping Company

(S.A.G.)

Wilh. Wilhelmsen
Zim Israel Navigation Co., Ltd.

Synopsis: The proposed amendment will add Senator Linie as a party to the Agreement. The parties have requested a shortened review period.

Dated: August 21, 1992.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 92-20528 Filed 8-26-92; 8:45 am]

BILLING CODE 6730-01-M

Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Public Law 89-777 (46 U.S.C. 817(e)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended:

Frontier Cruises Limited, 600 Corporate Drive, Suite 410, Fort Lauderdale, Florida 33334.

Vessel: FRONTIER SPIRIT.

Dated: August 21, 1992.

Joseph C. Polking,

Secretary.

[FR Doc. 92-20527 Filed 8-26-92; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL TRADE COMMISSION

[File No. 902 3100]

CDB Infotek, et al.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require, among other things, a California corporation and one of its officers to cease and desist from furnishing any consumer report to any person that they have reason to believe intends to use the information for any insurance-

related purpose other than the underwriting of insurance involving the consumer on whom the report is furnished; or from furnishing any consumer report under any other circumstances not permitted by section 604 of the Fair Credit Reporting Act. In addition, respondents would be required to notify the consumer whenever a consumer report is furnished for employment purposes and contains information that may adversely affect the consumer's ability to obtain employment.

DATES: Comments must be received on or before September 28, 1992.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, room 159, 6th St. and Pa. Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: David Medine, FTC/S-4429, Washington, DC 20580. (202) 326-3224.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

In the Matter of CDB Infotek, a corporation, and Rick L. Rozar, individually and as an officer of said corporation.

Agreement Containing Consent Order To Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of CDB Infotek, a corporation, and Rick L. Rozar, individually and as an officer of said corporation, hereinafter sometimes referred to as proposed respondents, and it now appearing that proposed respondents are willing to enter into an agreement containing an order to cease to and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between CDB Infotek, by its duly authorized officer, and Rick L. Rozar, individually and as an officer of said corporation, and their attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondents CDB Infotek is a corporation organized, existing, and doing business under and by virtue of

the laws of the State of California, with its office and principal place of business located at 701 South Parker Avenue, Suite 4500, Orange, California 92668.

Proposed respondent Rick L. Rozar is an officer of said corporation. He formulates, directs and controls the policies, acts and practices of said corporation, and his address is the same as that of said corporation.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondents waive: (a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

(d) Any claim under the Equal Access to Justice Act, 5 U.S.C. 50 *et seq.*

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the draft of complaint here attached, or that the facts alleged in the attached draft complaint, other than the jurisdictional facts, are true.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same

force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed to order to proposed respondents' address as stated in this agreement shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the proposed complaint and order contemplated hereby. They understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Proposed respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

For the purpose of this Order, the following definitions apply:

"Person," "consumer," "consumer report," "consumer reporting agency," and "employment purposes" are defined as set forth in sections 603 (b), (c), (d), (f), and (h), respectively, of the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. 1681a(b), 1681a(c), 1681a(d), 1681a(f), and 1681a(h);

"Subscriber" means any person who is approved for or obtains a consumer report from respondents;

"Mixed-use subscriber" means a subscriber who in the ordinary course of business typically has both permissible and impermissible purposes for ordering consumer reports; and

"Permissible purpose" means any of the purposes listed in section 604 of the FCRA, 15 U.S.C. 1681b, or as it might be amended in the future, for which a consumer reporting agency may lawfully furnish a consumer report.

I.

It is ordered That respondents, CDB Infotek, a corporation, its successors and assigns, and its officers, and Rick L. Rozar, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the furnishing of any

consumer report, do forthwith cease and desist from:

1. Furnishing any consumer report to any person that they have reason to believe intends to use the information in connection with the evaluation of an insurance claim or in connection with any insurance purpose other than the underwriting of insurance involving the consumer, unless furnishing the consumer report is otherwise permitted under sections 604(1) or 604(2) of the FCRA, or furnishing any consumer report under any other circumstances not permitted by section 604 of the FCRA.

2. Failing to maintain reasonable procedures designed to limit the furnishing of consumer reports to the purposes listed under section 604 of the FCRA, as required by section 607(a) of the FCRA. Such procedures shall include:

a. With respect to prospective subscribers, before furnishing a consumer report to any such subscriber, and with respect to current subscribers, within six months after the date of this Order:

(i) Obtaining from each subscriber a written certification stating the nature of the subscriber's business, the projected number of consumer reports the subscriber expects to obtain from respondents on a monthly basis, and all purposes for which the subscriber plans to obtain consumer reports from respondents. Each certification under this provision must be dated and signed, must bear the printed or typed name of the person signing it, and must state that the person signing it has direct knowledge of the facts certified and supervisory responsibility for obtaining consumer reports from respondents.

(ii) Determining, based on the information in the subscriber's written certification, and any other factors of which respondents are aware or, under the circumstances, should reasonably ascertain, that each subscriber has a permissible purpose under section 604 for the types of reports the subscriber plans to obtain. Respondents shall create and maintain a written record of the basis for this determination.

(iii) Verifying (1) the business identity of the subscriber; (2) that the subscriber is engaged in the business certified and has a permissible purpose for obtaining consumer reports; and (3) that the subscriber maintains reasonable procedures designed to prevent access to consumer reports by unauthorized persons. Respondents shall conduct an on-site visual inspection of the business premises of each subscriber that respondents have not verified through other means (e.g., through business

directories, state or local regulatory authorities, or other reliable sources) to be a legitimate business having a "permissible purpose" for the information reported.

(iv) Providing each subscriber a summary of the permissible purposes for obtaining consumer reports under section 604 of the FCRA that is substantially identical to the summary attached to this Order as Exhibit A.

(v) Informing each subscriber in writing that the FCRA imposes criminal penalties up to \$5,000 and a year in prison against anyone who knowingly and willfully obtains information on a consumer from a consumer reporting agency under false pretenses.

b. With respect to both current and prospective subscribers:

(i) Requiring, any time a subscriber requests a consumer report for employment purposes pursuant to section 604(3)(B) of the FCRA, that the subscriber identify and certify that purpose.

(ii) Requiring, any time a subscriber requests a consumer report for a "legitimate business need" pursuant to section 604(3)(E) of the FCRA, that the subscriber identify and certify that business need. Such identification must be made in specific terms. For example, a landlord requesting such a report in connection with rental of an apartment must specify that as his or her purpose.

(iii) Requiring each mixed-use subscriber to identify and certify the applicable purpose(s) each time it requests a consumer report. For example, to identify the specific credit purpose for requesting a report under section 604(3)(A) of the FCRA, it would suffice for an attorney subscriber collecting a debt for a client to specify that as his or her purpose.

(iv) Disclosing the following message, or one substantially identical to it, on the computer screen each time a subscriber transmits a request by computer for a consumer report: "The federal Fair Credit Reporting Act imposes criminal penalties up to \$5,000 and a year in prison against anyone who knowingly and willfully obtains information on a consumer from a consumer reporting agency under false pretenses."

(v)(A) Conducting periodic checks, not announced to the subscriber, to verify that each mixed-use subscriber is using consumer reports solely for permissible purposes. Such checks will be conducted using one of the following methods:

(1) By conducting annual checks at least once every twelve months. For each such subscriber, such checks will be performed on the greater of five reports or ten percent (10%) of the first

300 consumer reports furnished chronologically to that subscriber during the previous six-month period and two percent (2%) of all additional reports furnished to that subscriber during the same six-month period. Respondents shall check the first report within that period and every tenth report thereafter of the first 300 reports furnished chronologically within that period and then every fiftieth report of all additional reports furnished to the subscriber during that same period; or

(2) By conducting monthly checks for at least six months of each year. For each such subscriber, such checks will be performed on the greater of one report or ten percent (10%) of the total number of consumer reports furnished to that subscriber during the previous one-month period. Respondents shall check the first report within that period and every tenth report furnished chronologically thereafter until the requisite number of reports has been checked.

(B) Respondents shall conduct these checks by: (1) Sending a questionnaire by first class mail, postage prepaid, to the report subject stating that a consumer report was furnished to a subscriber who shall be identified by name and address, the date of the report, and the purpose certified by the subscriber for obtaining it. The questionnaire shall ask whether the subscriber had such a purpose and, if not, whether the report subject knows of any other purpose for which the subscriber may have sought the report. Respondents shall provide a self-addressed, postage pre-paid envelope and request that the questionnaire be returned therein; or by

(2) providing and obtaining the information set forth in subparagraph (1) above through an in-person or telephone interview, and by recording such information in written form.

(vi) Respondents are not required to conduct the procedure set forth in subparagraph 1.2.b.(v)(B) with respect to any consumer report for which respondents have received:

(a) A copy of a court order or a federal grand jury subpoena ordering the release of such report;

(b) Documentation signed by the consumer on whom the report was furnished expressly authorizing the release of such report;

(c) In the case of a report for which the purpose certified was the collection of a judgment, a copy of the court judgment; or

(d) In the case of a report for which the purpose certified was the evaluation of an employee for promotion,

reassignment, or retention, a copy of an official business record (for example, a W-2 Form) clearly identifying the subscriber or the subscriber's principal as the employer for the consumer on whom the report was furnished.

(vii) Requiring each subscriber to provide on an annual basis written certification updating the information previously provided on the nature of the subscriber's business and all purposes for which the subscriber plans to obtain consumer reports from respondents, and also requiring the subscriber to explain the reasons for any change in the stated purposes for obtaining consumer reports and any substantial change in the number of consumer reports expected to be obtained.

(viii) Desisting from furnishing consumer reports to any subscriber who:

(1) Respondents learn, through the procedures described in subparagraphs 1.2.b.(v) (A) and (B), or otherwise, has obtained, after the effective date of this order, a consumer report for any purpose other than a permissible purpose, unless that subscriber obtained such report through inadvertent error—i.e., a mechanical, electronic, or clerical error that the subscriber demonstrates was unintentional and occurred notwithstanding the maintenance of procedures reasonably designed to avoid such errors; or

(2) Respondents have reasonable grounds to believe will not use the report solely for permissible purposes.

3. Furnishing any consumer report for employment purposes that contains public record information on a consumer that is likely to have an adverse effect upon the consumer's ability to obtain employment without notifying the consumer, at the time such report is furnished, that public record information concerning the consumer is being reported, and providing the name and address of the person to whom such report is being furnished, as provided in section 613(1) of the FCRA. Respondents are not required to provide this notification if they have received written confirmation directly or indirectly from the consumer reporting agency that compiled the consumer report that the agency provides such notification to the consumer or, alternatively, have received written confirmation from the consumer reporting agency that it maintains strict procedures designed to insure that such public record information is complete and up to date, as provided in section 613(2) of the FCRA.

II.

It is further ordered That respondents, their successors, assigns shall maintain

for five (5) years and upon request make available to the Federal Trade Commission for inspection and copying, documents demonstrating compliance with the requirements of this Order. Such documents shall include, but are not limited to, all subscriber applications and certifications, all reports prepared in connection with on-site investigations of subscribers' businesses, all written records of respondents' determinations that its subscribers have permissible purposes for obtaining consumer reports, all documents pertaining to respondents' annual checks on mixed-use subscribers' purposes for obtaining consumer reports, instructions given to employee regarding compliance with the provisions of this Order, and any notices provided to subscribers in connection with the terms of this Order.

III.

It is further ordered That respondents shall deliver a copy of this Order, or a synopsis thereof approved by the Federal Trade Commission, to all present and future personnel, agents, or representatives having sales, advertising, or policy responsibilities with respect to the subject matter of this order.

IV.

It is further ordered That respondents shall notify the Federal Trade Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation that might affect compliance obligations arising out of the order.

V.

It is further ordered That each individual respondent named herein promptly notify the Federal Trade Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. In addition, for a period of ten (10) years from the date of service of this order, the respondent shall promptly notify the Commission of each affiliation with a new business or employment whose activities include assembling or evaluating information on consumers or furnishing consumer reports or access to consumer reports to third parties, or of his affiliation with a new business or employment in which his own duties and responsibilities involve such activities. Such notice shall include the respondent's new business address and

a statement of the nature of the business or employment in which the respondent is newly engaged as well as a description of his duties and responsibilities in connection with the business or employment. The expiration of the notice provision of this paragraph shall not affect any other obligation arising under this Order.

VI.

It is further ordered That respondents shall, within sixty (60) days of service of this Order upon them, file with the Federal Trade Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Exhibit A—Important Notice for Subscribers

The federal Fair Credit Reporting Act permits consumer reporting agencies to provide consumer reports only for certain purposes. Any subscriber who uses false pretenses to obtain a consumer report may be the subject of criminal prosecution. It is also a law violation for use to give you a consumer report unless your purpose for obtaining it is permissible under the Act. This means that you must always tell us the true reason for requesting a consumer report. If the reason is not a permissible one under the Act, we are required by law to deny your request. Listed below are the only purposes that section 604 of the Act permits.

(1): Pursuant to court order, or a subpoena issued by a federal grand jury.

(2): Pursuant to the written instructions of the consumer on whom the report is sought.

(3)(A): For use in connection with a credit transaction involving the consumer. Evaluating a consumer's credit application or reviewing or collecting on a credit account are all permissible purposes for obtaining a consumer report. It is not permissible for a creditor to obtain a report on a consumer unless the consumer has applied for credit or has an existing credit relationship with the creditor. Location or litigation purposes are never permissible unless they involve collection of the consumer's credit account.

(3)(B): For use in employment decisions involving the consumer. An employer (or its agent) may obtain a consumer report in order to evaluate the consumer for possible employment, promotion, reassignment or retention.

(3)(C): For use in connection with underwriting of insurance involving the consumer. Underwriting includes issuance or renewal of insurance, and

its amount and terms. Consumers reports may not be obtained for insurance claims purposes.

(3)(D): For use in connection with a consumer's eligibility for a license or benefit granted by a governmental agency that is required to consider the applicant's finances in the process.

(3)(E): For use in connection with a business transaction involving the consumer. This section provides a strictly limited basis for obtaining a consumer report. To qualify, the business transaction must involve some benefit for which the consumer has applied. A consumer's application to rent an apartment or open a checking account would qualify, as would a consumer's request to pay for goods by check. The business transaction must not involve credit, employment, or insurance—those purposes are permissible only if they meet the standards of (3)(A)–(C).

Consumer reports will be provided only for these purposes.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from CDB Infotek, a corporation, and its President, Rick L. Rozar ("the respondents").

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again decide whether it should withdraw from the agreement or make final the agreement's proposed order.

Respondents' business involves the purchase of information on individual consumers from credit reporting agencies and the resale of that information to third parties. Firms engaged in this type of business are sometimes called "information brokers," or "super bureaus." The complaint accompanying the proposed order alleges that in connection with their buying and selling of consumer reports, the respondents engaged in acts and practices violating sections 604, 607(a), and 613 of the Fair Credit Reporting Act and sections 5(a) of the Federal Trade Commission Act.

The FCRA requires that consumer reporting agencies, such as super bureaus, maintain procedures designed to protect consumers' privacy. According to the complaint, the respondents have violated section 604 of the Fair Credit Reporting Act by regularly furnishing consumer reports to persons under circumstances in which

the respondents have no reason to believe that the reports will be used for any of the purposes permitted under that section of the Act. One of the circumstances cited in the complaint is respondents' furnishing of consumer reports in connection with insurance claims investigations, even though section 604 sets forth underwriting (i.e., determining one's eligibility for insurance) as the only insurance-related purpose permitted under the Fair Credit Reporting Act. The complaint also alleges that respondents furnish consumer reports to certain types of subscribers, such as attorneys and private investigators, who typically have impermissible as well as permissible purposes for the consumer reports they obtain. Such subscribers are known as "mixed use" users. According to the complaint, in many instances, respondents do not have reason to believe that these reports have been requested for a permissible purpose.

The complaint also cites as violations of section 604 respondent's furnishing of consumer reports to new customers without having made a reasonable effort to verify the purposes for which these customers will use the reports, and that in certain instances, respondents furnished their customers who requested consumer reports on particular individuals with the reports of other consumers who had similar names.

The complaint further alleges that through the conduct discussed above, respondents have violated section 607(a) of the Fair Credit Reporting Act by failing to maintain reasonable procedures designed to limit the furnishing of consumer reports to the purposes listed under section 604 and by furnishing consumer reports to persons when they have reasonable grounds for believing that the consumer reports will not be used for a purpose listed in section 604.

Additionally, the complaint alleges that the respondents regularly furnish consumer reports for employment purposes that contain public record information that is likely to adversely affect a consumer's ability to obtain employment, but when furnishing these reports, the respondents do not notify the subject consumers that respondents are reporting public record information about them, nor do they tell the consumers the names and addresses of the persons to whom the respondents have furnished the reports. Because, the complaint alleges, the respondents do not have procedures to insure that the public record information they are reporting is complete and up to date, the respondents' failure to provide the

notice violates section 613 of the Fair Credit Reporting Act.

The consent order contains provisions designed to ensure that the respondents do not engage in similar unlawful acts and practices in the future.

Part I of the order requires the respondents to cease and desist from furnishing any consumer report to any person that they have reason to believe intends to use the information in connection with any insurance-related purpose other than the underwriting of insurance involving the consumer on whom the report is furnished. The respondents are further required to cease and desist from furnishing any consumer report under any other circumstances not permitted by section 604 of the Fair Credit Reporting Act.

Part I also requires the respondents to maintain reasonable procedures to limit the furnishing of consumer reports to the purposes listed in section 604, as required by section 607(a) of the Fair Credit Reporting Act, and mandates specific procedures that must be followed to accomplish this objective. These include measures to verify the identities of new customers, the nature of their business, and the purpose for which they seek to obtain consumer reports and a procedure for conducting periodic audits to verify that mixed-use users are using consumer reports solely for permissible purposes. The specific procedures set forth in paragraph 2 of part I are not necessarily mandated by the FCRA's "reasonable procedures" requirements but are considered by the Commission to be appropriate remedial relief in this case to prevent recurrence of the alleged violations.

Part I further requires that any time respondents furnish consumer reports for employment purposes that contain public record information that is likely to adversely affect a consumer's ability to obtain employment, they must notify the consumer, at the time the report is furnished, that public record information about the consumer is being reported and provide the name and address of the person to whom the report is being furnished, as is required by section 613(1) of the Fair Credit Reporting Act. The order permits the respondents to forego providing this notification if they have either received written confirmation from the consumer reporting agency that compiled the consumer report that the agency provides such notification to the consumer, or have received written confirmation from the agency that it maintains strict procedures designed to ensure that the public record

information it reports is complete and up to date, as required by section 613(2).

Part II of the order requires the respondents and their successors and assigns to maintain documents demonstrating compliance with the order for five (5) years and to make such documents available to the Commission upon request.

Part III of the order requires the respondents to deliver a copy of the order to all present and future employees, agents, or representatives having responsibilities related to the respondents' compliance with the order.

Part IV of the order requires the respondents to notify the Commission at least thirty (30) days before any proposed change in the structure of the respondent corporation that might affect compliance with the order.

Part V of the order requires the individual respondent to promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new one. Also, for ten (10) years from the date the order is served, the individual respondent must promptly notify the Commission of his affiliation with a new business or employment whose activities include the assembling or evaluating of consumer information or the furnishing of consumer reports or access to consumer reports to third parties, or in which his own duties or responsibilities involve such activities.

Part VI of the order requires the respondents to file a written report with the Commission within sixty (60) days after service of the order detailing the manner and form in which they have complied with the order.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Donald S. Clark,

Secretary.

[FR Doc. 92-20596 Filed 8-26-92; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

Office of Business, Industry, and Governmental Affairs Business Advisory Board

MEETING NOTICE: Notice is hereby given that the General Services Administration (GSA) Business Advisory Board will meet September 22, 1992, from 10 a.m. to 4 p.m. at GSA's Central Office, 18th and F Streets, NW., room 5141A, Washington, DC. Notice is

required by the Federal Advisory Committee Act, 5 U.S.C. App. 2, and the implementing regulation, 41 CFR 101-6.

The purpose of the meeting is to provide a forum for discussion on key business and industry trends, emerging technologies and products, and other issues that may affect GSA's future policy and program formulation. The agenda for this meeting will include discussion on: Alternative dispute resolution (ADR), partnering, and minority contracting.

The meeting will be open to the public.

FOR FURTHER INFORMATION CONTACT:

Patricia Jones (202/501-0838) of the Office of Business, Industry, and Governmental Affairs, GSA/AL, Washington, DC 20405.

Dated: August 20, 1992.

Donald C.J. Gray,

Associate Administrator for Business, Industry, and Governmental Affairs, GSA.

[FR Doc. 92-20554 Filed 8-26-92; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Agency Information Collection Under OMB Review

AGENCY: Administration for Children and Families, Office of Family Assistance.

Notice

Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), we have submitted to the Office of Management and Budget (OMB) a request for approval of an existing information collection entitled "Streamlined State Plan for Air to Families with Dependent Children", OMB Control Number 0970-0016. This request for OMB clearance is made by the Office of Family Assistance (OFA) of the Administration on Children and Families (ACF).

ADDRESSES: Copies of the information collection request may be obtained from Steve Smith, Office of Information Systems Management, by calling (202) 401-9235.

Written comments and questions regarding the requested approval for information collection should be sent directly to: Kristina Emanuels, OMB Desk Officer for ACF, OMB Reports Management Branch, New Executive Office Building, Room 3002, 725 17th Street, NW., Washington, DC 20503, (202) 395-7316.

Information on Document

Title: Streamlined State Plan for Aid to Families with Dependent Children (AFDC).

OMB No.: 0970-0016.

Description: Authority to require a title IV-A State Plan by States administering the Aid to Families with Dependent Children (AFDC) program is contained in sections 402 and 1102 of the Social Security Act and at 45 CFR 201.3, 204.2 and 205.5.

The State plan constitutes an agreement between the State and the Administration for Children and Families (ACF) as to how the AFDC program will be administered and operated within the State. It provides assurances that the AFDC program will be administered in accordance with provisions of title IV-A of the Social Security Act and other applicable statutes, rules, regulations, judicial interpretations, instructions and guidelines issued by ACF. The primary use of the information contained in the State plan is to determine whether the plan can be approved as a basis for federal financial participation in the AFDC program. A second major use of information contained in the plan will be to evaluate the efficacy and cost efficiency of the various State plan characteristics, innovations and options for consideration of new policy implications. A related function entails use of the information to determine if the State agency is operating the AFDC program in accordance with its plan and federal rules and regulations.

Annual Number of Responses: 55.

Annual Frequency: 4.

Average Burden Hours Per Response: 15.

Total Burden Hours: 3,300.

Dated: August 12, 1992.

Larry Guererro,

Deputy Director, Office of Information Systems Management.

[FR Doc. 92-20542 Filed 8-26-92; 8:45 am]

BILLING CODE 4130-01-M

Agency for Toxic Substances and Disease Registry

Workshop on Toxicological Data Quality and the Usefulness of Databases; Meeting

The Agency for Toxic Substances and Disease Registry (ATSDR), in association with the International Programme on Chemical Safety (IPCS) of the World Health Organization, announces the following meeting:

Name: Workshop on Toxicological Data Quality and the Usefulness of Databases.

Times and Dates: 8:15 a.m.-5:30 p.m.,

September 16, 1992, 8 a.m.-5:30 p.m.,

September 17, 1992, 8:30 a.m.-12 noon,

September 18, 1992.

Place: ATSDR, Executive Park, Executive Park Drive, Building 4, Suite 2400, Atlanta, Georgia 30329.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 40 people.

Purpose: This workshop will provide a forum for an in-depth exchange of views on the feasibility of setting criteria to assess the quality of data. The implementation of criteria could lead to the development of scoring systems with quality indicators that could be used in information systems.

Matters To Be Considered: Participants will review and critique historical and current criteria under which reports/studies on health and environmental effects of chemicals could be assessed for reliability. Issues of science in the development and application of data quality indicators will be identified and discussed by the participants. A plan of work will be developed that will contribute to the use in environmental health databases of data quality/completeness indicators by IPCS participating institutions in support of further progress.

Contact Person for More Information: Charles Xintaras, Sc.D., Science Administrator, ATSDR, Mailstop E-28, 1600 Clifton Road, NE, Atlanta, Georgia 30333, telephone 404/639-0708.

Dated: August 21, 1992.

Elvin Hilyer,

Associate Director for Policy Coordination.

[FR Doc. 92-20535 Filed 8-26-92; 8:45 am]

BILLING CODE 4160-70-M

Food and Drug Administration

[Docket No. 92F-0290]

ICI Americas, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that ICI Americas, Inc., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of polyetheretherketone resins for use as articles or components of articles intended to contact food.

FOR FURTHER INFORMATION CONTACT: Julius Smith, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9500.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2B4333) has been filed by ICI Americas,

Inc., Concord Pike and Murphy Rd., Wilmington, DE 19897. The petition proposes to amend the food additive regulations to provide for the safe use of polyetheretherketone resins as articles or components of articles intended to contact food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: August 17, 1992.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 92-20503 Filed 8-26-92; 8:45 am]

BILLING CODE 4160-01-F

Advisory Committees; Notice of Meetings

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

MEETINGS: The following advisory committee meetings are announced:

Biological Response Modifiers Advisory Committee

Date, time, and place. September 17, 1992, 4 p.m., Food and Drug Administration, Bldg. 29, Conference rm. 121, 8800 Rockville Pike, Bethesda, MD.

Type of meeting and contact person. This meeting will be held by a telephone conference call. A speaker telephone will be provided in the conference room to allow public participation in the open session of the meeting. Open committee discussion, 4 p.m. to 4:30 p.m.; closed committee deliberations, 4:30 p.m. to 5 p.m.; open public hearing, 5 p.m. to 6 p.m., unless public participation does not last that long; Anna J. Baldwin, Center for Biologics Evaluation and Research (HFB-5), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20892, 301-295-8226.

General function of the committee. The committee reviews and evaluates

data relating to the safety, effectiveness, and appropriate use of biological response modifiers which are intended for use in the prevention and treatment of a broad spectrum of human diseases.

Agenda—Open public hearing.

Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before September 10, 1992, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss the intramural scientific programs of the Laboratory of Immunology and the Laboratory of Cell Biology of the Division of Cytokine Biology, Center for Biologics Evaluation and Research.

Closed committee deliberations. The committee will discuss the intramural scientific program. This portion of the meeting will be closed to prevent disclosure of personal information concerning individuals associated with the research program, disclosure of which would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)).

Arthritis Advisory Committee

Date, time, and place. September 22 and 23, 1992, 8:30 a.m., Potomac Inn, Ballroom A, Three Research Court, Rockville, MD.

Type of meeting and contact person. Closed committee deliberations, September 22, 1992, 8:30 a.m. to 5 p.m.; open public hearing, September 23, 1992, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 11:30 a.m.; closed committee deliberations, 11:30 a.m. to 5 p.m.; Isaac F. Roubein, Center for Drug Evaluation and Research (HFD-9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3741.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in arthritic conditions.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before September 10,

1992, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss general principles for scleroderma protocols.

Closed committee deliberations. The committee will review trade secret and/or confidential commercial information relevant to pending investigational new drug applications. This portion of the meeting will be closed to permit discussion of this information [5 U.S.C. 552b(c)(4)].

Antiviral Drugs Advisory Committee

Date, time, and place. September 23 and 24, 1992, 8 a.m., Marriott Hotel, Grand Ballroom, 620 Perry Pkwy., Gaithersburg, MD.

Type of meeting and contact person. Open committee discussion, September 23, 1992, 8 a.m. to 11 a.m.; open public hearing, 11 a.m. to 12 m., unless public participation does not last that long; open committee discussion, 12 m. to 6 p.m.; open committee discussion, September 24, 1992, 8 a.m. to 11:30 a.m., open public hearing, 11:30 a.m. to 12 m., unless public participation does not last that long; closed committee deliberations, 12 m. to 4 p.m.; Lee L. Zwanziger, Center for Drug Evaluation and Research (HFD-9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, or Valerie M. Mealy, Advisors and Consultants Staff, 301-443-4695.

General function of the committee. The committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of acquired immune deficiency syndrome (AIDS), AIDS-related complex (ARC), and other viral, fungal, and mycobacterial infections.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before September 17, 1992, and submit a brief statement of the general nature of the evidence or arguments they wish to present, and the names and addresses of proposed participants. Comments will be limited to 5 minutes.

Open committee discussion. On September 23, 1992, the committee will discuss new drug application (NDA) 20-259 Metron (Atovaquone), Burroughs

Wellcome, for the treatment of pneumocystis carinii pneumonia. On September 24, 1992, the committee will discuss NDA 50-689 Mycobutin (rifabutin), Adria Laboratories, for use as prophylaxis against mycobacterium avium infections in persons with AIDS.

Closed committee deliberations. The committee will discuss trade secret and/or confidential commercial information relevant to pending investigational NDA's. This portion of the meeting will be closed to permit discussion of this information [5 U.S.C. 552b(c)(4)].

Blood Products Advisory Committee

Date, time, and place. September 24 and 25, 1992, 8:30 a.m., Ramada Inn, Embassy Ballrooms I, II, and III, 8400 Wisconsin Ave., Bethesda, MD.

Type of meeting and contact person. Open public hearing, September 24, 1992, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 5 p.m.; open committee discussion, September 25, 1992, 8:30 a.m. to 2:30 p.m.; closed committee deliberations, 2:30 p.m. to 3:30 p.m.; Linda A. Smallwood, Division of Transfusion Science (HFB-902), Center for Biologics Evaluation and Research, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20892, 301-227-6700.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness, and appropriate use of blood products intended for use in the diagnosis, prevention, or treatment of human diseases.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before September 14, 1992, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On September 24, 1992, the committee will: (1) Hear and have followup discussion on invalidation of test results when screening donor blood using licensed viral marker test kits; (2) discuss recommendations on a proposed revision of donor suitability regarding a history of hepatitis; and (3) hear an update on HIV antibody-negative acquired immune deficiency syndrome. On September 25, 1992, the committee will hear discussion and

recommendations on the issue of postdonation callback regarding information that affects donor suitability and the report of the scientific site visit review for the Laboratory of Plasma Derivatives, Division of Hematology.

Closed committee deliberations. The committee will discuss information relevant to the scientific site visit review. This portion of the meeting will be closed to prevent disclosure of information which would constitute a clearly unwarranted invasion of personal privacy [5 U.S.C. 552b(c)(6)].

Oncologic Drugs Advisory Committee

Date, time, and place. September 25, 1992, 8 a.m., Conference rm. M, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, 8 a.m. to 9 a.m., unless public participation does not last that long; closed committee deliberations, 9 a.m. to 4 p.m.; Adele S. Seifried, Center for Drug Evaluation and Research (HFD-9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4695.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in treatment of cancer.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before September 15, 1992, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Closed committee deliberations. The committee will discuss trade secret and/or confidential commercial information relevant to pending investigational new drug applications. This portion of the meeting will be closed to permit discussion of this information [5 U.S.C. 552b(c)(4)].

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting

involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1-hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (subpart C of 21 CFR part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

The agenda, the questions to be addressed by the committee, and a current list of committee members will be available at the meeting location on the day of the meeting.

Transcripts of the open portion of the meeting will be available from the Freedom of Information Office (HFI-35), Food and Drug Administration, rm. 12A-16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of

the meeting will be available from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA) (5 U.S.C. app. 2, 10(d)), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from

public disclosure pursuant to the FACA, as amended; and, notably deliberative session to formulate advice and recommendations to the agency on matters that do not independently justify closing.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (5 U.S.C. app. 2), and FDA's regulations (21 CFR part 14) on advisory committees.

Dated: August 21, 1992.

David A. Kessler,

Commissioner of Food and Drugs.

[FR Doc. 92-20532 Filed 8-26-92; 8:45 am]

BILLING CODE 4160-01-F

Health Resources and Services Administration

Advisory Council; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of October 1992:

Name: National Advisory Council on Migrant Health

Date and Time: October 22-25, 1992—8 a.m.

Place: Jantzen Beach Red Lion Hotel, 909 North Hayden Island Drive, Portland, Oregon 97217.

The meeting is open to the public.

Purpose: The Council is charged with advising, consulting with, and making recommendations to the Secretary and the Administrator, Health Resources and Services Administration, concerning the organization, operation, selection, and funding of Migrant Health Centers and other entities under grants and contracts under section 329 of the Public Health Service Act.

Agenda: The agenda includes an overview of Council general business activities and priorities; the development of 1993 National Advisory Council on Migrant Health Recommendations. A Farmworker Public Hearing is scheduled for Friday, October 23, 2 p.m.-6 p.m. and a workshop for migrant health center staff and other is scheduled for Saturday, 1:30 p.m.-3:30 p.m., at the above hotel.

The Council is soliciting oral and written comments from farmworkers and organizations serving farmworkers specific to migrant/seasonal farmworker health and migrant health program issues for the above scheduled Public Hearing and workshop.

The Council meeting is being held in conjunction with the Second Annual Western Stream Migrant Forum, October 23-25.

Anyone requiring information regarding the subject Council should contact Mr. Jack Egan, Acting Executive Secretary, National Advisory Council on Migrant Health, room 7A-55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-1153.

Agenda Items are subject to change as priorities dictate.

Dated: August 21, 1992.

Jackie E. Baum,
Advisory Committee Management Officer,
HRSA.

[FR Doc. 92-20502 Filed 8-26-92; 8:45 am]

BILLING CODE 4160-15-M

Public Health Service

Grants and Contracts Activities for Applicants and Recipients of Awards; Training Course

AGENCY: Office of the Assistant Secretary for Health, PHS.

ACTION: Notice.

SUMMARY: The Office of the Assistant Secretary for Health is announcing a training course entitled "Orientation to PHS Grants and Contracts Activities for Applicants and Recipients of Awards"

which will be presented 12 times at locations around the country during FY 1993. Complete information as to locations and dates is provided below under **SUPPLEMENTARY INFORMATION**.

DATES: To receive consideration for a particular course session, applications must be received by the close of business on the deadline date specified under **SUPPLEMENTARY INFORMATION** below.

SUPPLEMENTARY INFORMATION: Course Title—"Orientation to PHS Grants and Contracts Activities for Applicants and Recipients of Awards."

Note: This is not a course on grant-writing. Rather, it is designed to provide a broad overview of how to conduct business with PHS using the grant and contract mechanisms.

Course Description: This is a 2-day course which is designed to provide applicants for and recipients of PHS grants and contracts a better

understanding of the procedures and expectations in applying for funding and administering an award from PHS. Day one of the course concentrates on the grants process; day two is devoted to contracting. Students will be provided with a broad overview of conducting business with PHS including how it is organized, when the grant or contract mechanism is used, how the PHS contracts and grants processes are structured, how to identify grant and contract funding opportunities, how to submit effective proposals, and how to properly administer a contract or grant once it has been awarded.

Targeted Population: Grant and contract staff of organizations which are presently doing business with PHS or which plan to submit applications for grants or proposals for contracts. The course is intended for staff who are inexperienced with the grant and contract mechanisms.

| Dates | Locations | Application deadlines |
|----------------------|------------------------|-----------------------|
| 1992: | | |
| October 13-14..... | Winston-Salem, NC..... | September 10. |
| November 9-10..... | Atlanta, GA..... | October 10. |
| December 7-8..... | Rockville, MD..... | October 10. |
| 1993: | | |
| January 25-26..... | San Diego, CA..... | October 10. |
| February 22-23..... | Kansas City, MO..... | January 10. |
| March 17-18..... | Dallas, TX..... | January 10. |
| April 19-20..... | San Francisco, CA..... | January 10. |
| May 17-18..... | Seattle, WA..... | January 10. |
| June 15-16..... | Rockville, MD..... | May 10. |
| July 12-13..... | Boston, MA..... | May 10. |
| August 16-17..... | Chicago, IL..... | May 10. |
| September 20-21..... | Denver, CO..... | May 10. |

All courses will be held from 8:30 a.m. to 5 p.m. both days.

Selection will be made on a first-come, first-served basis. Early application is encouraged as these offerings are filled rapidly.

Course Outline

Day 1

Introduction to PHS Assistance (Grants/Cooperative Agreements) and Acquisition (Contracts)

PHS Mission and Organizational Structure; Assistance vs. Acquisition (The Federal Grant and Cooperative Agreement Act); PHS Grant and Contract Expenditures and Recipients; Introduction to Types and Purposes of PHS Grants; Roles of PHS Grants and Program Management Staff.

Seeking and Applying for PHS Grants/Cooperative Agreements

Sources of Information; Understanding Program

Announcements; The Application Package; The Complete, Effective Application; Competition and Objective Review.

Negotiation and Award Process for Grants/Cooperative Agreements

Cost Analysis and Preaward Review; Negotiating—Clarifying and Revising Proposed Activities; Funding Outcomes; Contents of a Grant Award Document; General and Special Conditions.

Grant/Cooperative Agreement Post-Award Issues and Concerns

Monitoring; Audit; Appeals; Progress Reports; Drawdowns; Financial Status Reports; Grant Budget Control; Cost Principles and Unallowable Costs; Purchasing; Property Management.

Day 2

Seeking PHS Contracts

Identifying PHS Contracting Opportunities; The Legal Framework of PHS Contracting; Small Business

Contracting Programs; Roles of PHS Contracting and Project Staff.

Responding to Contract Solicitations

Small Purchases—\$25,000 or Less; Purchases Greater Than \$25,000; Preparing the Technical Proposal; Preparing the Business Proposal.

Proposal Submission, Contract Negotiation, and Award

Proposal Submission and Evaluation; Negotiation and Award.

Contract Administration

Initial Contract Administration Steps; Significant Contract Administration Concerns.

Class Size: Limited to 30 participants per session to maximize interaction and only one individual per institution, per session.

Attendance: Those accepted will be expected to attend both full days of the course. A Certificate of Attendance will

be issued to all participants who attend for both days.

Cost: There will be no charge for this course. Travel and accommodations will be the responsibility of participants.

Notification of Applicants: Applicants selected will be notified of their acceptance approximately one month in advance of the course and provided with information on the exact training location and suggested accommodations. Persons not selected will not be notified.

To Apply: Submit a letter on the employing organization's letterhead which provides all of the following information. Incomplete applications cannot be considered: Name of applicant, Employing organization: name, address, and telephone number, Position title of applicant, Years of experience with PHS grants, contracts, or both, Principal area of interest (grants, contracts, or both), Reason for wanting to take this course (100 words or less), Course session desired.

Send Letter of Application and Requests for Information to: Training Coordinator, Grants Policy Branch, Division of Grants and Contracts, Office of the Assistant Secretary for Health, Room 17A-45, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Dated: August 17, 1992.

Wilford Forbush,

Director, Office of Management.

[FR Doc. 92-20522 Filed 8-26-92; 8:45 am]

BILLING CODE 4160-17-M

Office of the Assistant Secretary for Health; Statement of Organization, Functions and Delegations of Authority

Part H, Public Health Service (PHS), Chapter HA (Office of the Assistant Secretary for Health) of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (DHHS) (42 FR 61318, December 2, 1977, as amended most recently at 57 FR 31717-18, July 17, 1992) is amended to reflect changes for the Office of Organization and Management Systems, Office of Management, Office of the Assistant Secretary for Health (OOMS/OM/OASH).

Office of the Assistant Secretary for Health

Under Part H, Chapter HA, Office of the Assistant Secretary for Health, Section HA-20, Functions, make the following changes:

Under the title and statement for the Office of Management HAU), delete the statement for the Office of Organization

and Management Systems (HAU2) and add the following:

Office of Organization and Management Systems (HAU2). The Director of the Office of Organization and Management Systems serves as the principal advisor to the Director, Office of Management, and the Deputy Assistant Secretary for Health Management Operations on PHS information resources management, organization, and on management analysis and systems activities.

The Office: (1) Provides PHS-wide leadership and direction for the development, implementation and oversight of management systems involved in: (a) Information resources management (IRM) with primary focus on information technology, privacy, records and systems security management; (b) organization and management; and, (c) management operations designed to improve efficiency and economy in PHS; (2) develops and disseminates PHS policies for IRM collaborating with the Office of Health Planning and Evaluation, as appropriate; (3) evaluates or directs the review of PHS-wide information resources and other management systems, procedures and activities; (4) serves as the focal point for coordinating agency IRM and management activities with the Office of the Secretary and other Federal agencies and offices; (5) provides staff support to the Senior PHS IRM Official; and (6) serves as the Executive Director of and provides Executive Secretariat for the Board for Corrections of PHS Commissioned Corps Personnel Records.

Following the title for the Division of ADP and Telecommunications Management (HAU22), delete the statement and add the following:

Division of ADP and Telecommunications Management (HAU22). (1) Provides leadership and guidance to PHS in the: (a) areas affecting the development and implementation of IRM policies with primary focus on information technology management; (b) planning relating to ADP and telecommunications (TC) resources; and, (c) management of the IRM strategic planning process; (2) reviews, coordinates and assesses IRM systems, activities, plans, proposals and information technology budgets collaborating with the Office of Health Planning and Evaluation, as appropriate; (3) coordinates the integration of IRM data to support a PHS-wide IRM program and administrative goals and objectives; (4) conducts IRM oversight reviews and surveys as appropriate; (5) provides leadership in supporting

computer accommodation for the handicapped; and (6) maintains liaison with the Office of the Secretary and other Federal agencies in areas affecting IRM.

Following the title of the Division of Systems Management and Improvement (HAU25), delete the statement and add the following:

Division of Systems Management and Improvement (HAU25). (1) Develops, coordinates, implements, and interprets PHS policies, standards, and procedures in the management of PHS information systems for: (a) Delegations of authority; (b) interagency agreements; (c) forms management; (d) directives management; (e) records management; (f) automated information systems security; and (g) Privacy Act of 1974; (2) conducts studies and implements approved recommendations in the above administrative areas for the purpose of applying new legislation, administrative requirements, and technology; (3) develops and implements new approaches and opportunities for cost containment and improved productivity in these areas; (4) establishes PHS cost/performance standards for the management of forms, and records; (5) develops periodic profiles of performance and evaluates overall effectiveness of information systems under the Division's purview; (6) maintains controls to assure adherence to PHS policy, and serves as a clearance point to assure appropriate and timely development of: (a) PHS forms; (b) record control schedules; (c) issuances in PHS staff manuals; (d) delegations of authority; (e) certain interagency agreements and computer matching agreements; (f) security plans for sensitive automated systems; (g) systems of records subject to the Privacy Act; (7) provides consultation and assistance to PHS officials in the development of authorities, directives and agreements in relation to enacted legislation, regulations, and policies; (8) provides technical assistance and training to staff and specialists at various agency levels supporting management information systems, procedures, and activities; and (9) maintains liaison with the Office of the Secretary, and other Federal agencies in the above areas.

Following the title for the Division of Management Planning and Analysis (HAU26), delete the statement and add the following:

Division of Management Planning and Analysis (HAU26). (1) Develops, coordinates and implements PHS policies, standards, and procedures governing the establishment,

maintenance, and evaluation of: (a) Organization structures and functional alignments within PHS, and (b) the administration of the Standard Administrative Code system; (2) initiatives, reviews and/or conducts studies of proposals to establish or modify PHS organizations and functions, and negotiates solutions to problems at issue within PHS and with the Department; (3) provides management consultant assistance to PHS elements, conducts management improvement studies, staffing assessments, and special management problem analyses; (4) directs or provides support to task forces and study groups addressing organization and management problems and issues; (5) implements PHS management improvement and productivity initiatives in accordance with departmental or Office of Management and Budget (OMB) requirements; (6) coordinates the PHS Interagency Reports Management Program; (7) processes PHS Employee Suggestions requiring Office of the Secretary approval; (8) works with the Office of Resource Management, OM, to assure that the OMB management issue agenda is reflected in PHS budget guidance; and (9) maintains liaison with the Office of the Secretary in the above areas.

Following the title of the Division of OASH Information Technology Management (HAU27), delete the statement and add the following:

Division of OASH Information Technology and Management (HAU27). (1) Formulates, recommends for approval and implements Information Resources Management (IRM) policy for OASH; (2) develops OASH IRM strategic and tactical plans; (3) develops the OASH component of the PHS Information Technology Systems Budget; (4) develops an OASH purchasing timetable for ADP/TC equipment; (5) reviews all OASH purchase requests for ADP/TC equipment, software, ADP support services and maintenance and prepares OASH delegations of procurement authority; (6) manages the OASH Systems Security Program; (7) manages the end-user computer support activities for OASH employees; (8) projects and coordinates OASH ADP/IRM training requirements; (9) manages the OASH Local Area Networks; (10) coordinates OASH activities with the Parklawn Computer Center/FDA and the Division of Computer Research and Technology/NIH; (11) provides IRM technical assistance, network planning and needs assessment to OASH offices and expedites the planning and procurement

processes for priority OASH activities; (12) maintains an inventory of OASH information technology equipment and systems and provides a central interface with OASH Property Management Officials; (13) coordinates the integration of program and management data to support OASH information management systems; and (14) provides assistance to OASH in the development and implementation of information systems.

Dated: August 17, 1992.

Anthony L. Itteilg,

Deputy Assistant Secretary for Health Management Operations.

[FR Doc. 92-20524 Filed 8-26-92; 8:45 am]

BILLING CODE 4160-17-M

Agency for Health Care Policy and Research; Privacy Act of 1974; New System of Records

AGENCY: Public Health Service, HHS.

ACTION: Notification of a new system of records.

SUMMARY: In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing a notice of a new system of records, 09-35-0004, "Agency for Health Care Policy and Research, Medical Treatment Effectiveness Program (MEDTEP) Research, HHS/AHCPR/CMER." We are also proposing routine uses for this new system.

DATES: PHS invites interested parties to submit comments on the proposed internal and routine uses on or before September 28, 1992. PHS has sent a Report of a New System to the Congress and to the Office of Management and Budget (OMB) on August 10, 1992. This system of records will be effective 60 days from the date of publication unless PHS receives comments on the routine uses which would result in a determination and notice proposing to rescind or modify certain routine uses set forth in this notice.

ADDRESS: Please submit comments to: Privacy Act Officer, Agency for Health Care Policy and Research, Executive Office Center, 2101 E. Jefferson Street, Suite 601, Rockville, Maryland 20852-4908, (301) 227-8445. Comments received will be available for inspection at this same address from 9 a.m. to 3 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Director, MEDTEP Statistical Analysis and Data Modeling Group, Agency for Health Care Policy and Research, Center for Medical Effectiveness Research, Executive Office Center, 2101 E. Jefferson Street, Suite 605, Rockville,

Maryland 20852-4908, (301) 227-8485. The numbers listed above are not toll free.

SUPPLEMENTARY INFORMATION: The Agency and Health Care Policy and Research (AHCPR) proposes to establish a new system of records: 09-35-0004, "Agency for Health Care Policy and Research, Medical Treatment Effectiveness Program (MEDTEP) Research, HHS/AHCPR/CMER." This system of records will be used by AHCPR/CMER researchers to: (1) Investigate the validity and reliability of claims data (i.e., Medicare claims and other insurance claims data) for effectiveness and outcomes research; (2) investigate the completeness of recorded comorbidities on claims data; (3) investigate the possibility of differentiating comorbidities from complications in claims data; (4) estimate the error of coding conditions and procedures for payment purposes in claims data to develop methods to better use these data for clinical research; (5) develop new methods of effectiveness and outcomes research by combining clinical and administrative/claims data; (6) test coding systems for diagnoses and procedures that provide more clinical detail; (7) test linking different sources of data to track and adjust outcomes over time; (8) to support or conduct other clinical research to formulate data standardization and development of data sources for effectiveness, outcomes, quality of care, and clinical practice guideline research; (9) test new diagnosis grouping schemes that incorporate clinical as well as payment considerations; (10) test feasibility of pooling private and public entities' data for research purposes; (11) develop new data bases for effectiveness and outcomes research, or (12) develop methods to evaluate impact of AHCPR-sponsored and other clinical practice guidelines.

Copies of complete health care/medical records and related documents, such as claims forms, patient surveys and assessments of satisfaction with care provided, functional status, quality of life, activities of daily living, instrumental activities of daily living, or records of vital statistics (birth and death certificates) are in the system of records.

Examples of information in the various records are: Name, address, health insurance claim number or other individual identifying number, demographic data on patients, socioeconomic data, diagnoses, procedures, tests, examinations, x-rays, images, and results of tests and other studies, reports of consultations,

physician, nurses and other health care provider notes, name and address of provider, characteristics of the provider (i.e., for hospitals: principal funding source—county, for-profit, not-for-profit, Federal, religious; for health care providers: specialty, group practice).

The amount of information recorded on each individual will be only that which is necessary to accomplish the purposes of the system.

The records in this system will be maintained in a secure manner commensurate with their use and sensitivity. In addition to 42 U.S.C. 299a-1(c), the statute protecting the confidentiality of AHCPR research records, AHCPR/CMER and its contractors will be required to adhere to the provisions of the Privacy Act and the HHS Privacy Act Regulations. Records will be maintained in accordance with Chapter 45-13 of the HHS General Administration Manual, "Safeguarding Records Contained in Systems of Records," supplementary Chapter PHS hf: 45-13, the Department's Automated Information System Security Handbook, and the Federal Information Examples of information in the various records are: Name address, health insurance claim number or other individual identifying number, demographic data on patients, socioeconomic data, diagnoses, procedures, tests, examinations, x-rays, images, and results of tests and other studies, reports of consultations, physician, nurses and other health care provider notes, name and address of provider, characteristics of the provider (i.e., for hospitals: principal funding source—county, for-profit, not-for-profit, Federal, religious; for health care providers: specialty, group practice).

The amount of information recorded on each individual will be only that which is necessary to accomplish the purposes of the system.

The records in this system will be maintained in a secure manner commensurate with their use and sensitivity. In addition to 42 U.S.C. 299a-1(c), the statute protecting the confidentiality of AHCPR research records, AHCPR/CMER and its contractors will be required to adhere to the provisions of the Privacy Act and the HHS Privacy Act Regulations. Records will be maintained in accordance with Chapter 45-13 of the HHS General Administration Manual, "Safeguarding Records Contained in Systems of Records," supplementary Chapter PHS hf: 45-13, the Department's Automated Information System Security Handbook, and the Federal Information Processing Standards (FIPS Pub. 41 and

FIPS Pub. 31) published by the National Institute of Standards and Technology.

The AHCPR Automated Systems Security Officer will conduct a risk analysis and assure that a system security plan is in place for the system of records. The system managers will control access to these data. Only authorized users whose official duties require the use of the data will have access to the records in this system.

The routine uses proposed for this system are compatible with the stated purposes of the system and are restricted by 42 U.S.C. 299a-1(c). Disclosures will only be made to Agency officials or Agency contractors and grantees carrying out AHCPR supported research described above. Further disclosures may only be made with the consent of the individuals identified in the system of records.

The following notice is written in the present, rather than future tense, in order to avoid the unnecessary expenditure of public funds to republish the notice after the system becomes effective.

Dated: August 12, 1992.

Wilford J. Forbush,
Director, Office of Management.

09-35-0004

SYSTEM NAME:

Agency for Health Care Policy and Research, Medical Treatment Effectiveness Program (MEDTEP) Research, HHS/AHCPR/CMER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Agency for Health Care Policy and Research,
Center for Medical Effectiveness Research,
MEDTEP Statistical Modeling and Data Analysis Group,
Executive Office Center,
2101 E. Jefferson Street, Suite 605,
Rockville, Maryland 20852-4908.
The Health Care Financing Administration,
Bureau of Data Management and Strategy,
Office of Computer Operations,
6325 Security Blvd.,
Baltimore, Maryland 21218.
Division of Computer Research and Technology (DCRT),
National Institutes of Health,
Building 12A, Room 4037,
9000 Rockville Pike,
Bethesda, Maryland 20892.
Parklawn Computer Center (PCC),
Public Health Service,
Parklawn Computer Center,

Rockville, Maryland 20857.

Inactive records will be stored at: Washington National Records Center, Room 125, 4205 Suitland Road, Suitland, Maryland 20409.

A current list of contractor sites is available by writing to the System Manager at the address below:

Director, MEDTEP Statistical Analysis and Data Modeling Group,
Agency for Health Care Policy and Research,
Center for Medical Effectiveness Research,
Executive Office Center,
2101 E. Jefferson Street, Suite 605,
Rockville, Maryland 20852-4908.
(301) 227-8485.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have received health care and/or their providers are selected because of: (1) Year in which care is provided; (2) condition (diagnosis) for which care is provided; and/or (3) procedure/treatment provided. Individuals who have not received care are included as controls for some of the individuals in case/control studies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of complete health care/medical records and related documents, such as claims forms, patient surveys and assessments of satisfaction with care provided, functional status, quality of life, activity of daily living, instrumental activities of daily living, and records of vital statistics (birth and death certificates).

Examples of information in the various records are: Name, address, health insurance claim number of other individual identifying number, demographic data on patients, socioeconomic data, diagnoses, procedures, tests, examinations, x-rays, images, and results of tests and other studies, reports of consultations, medication orders, physician, nurses and other health care provider notes, name and address of provider, characteristics of the provider (i.e., for hospitals: Principal funding source—county, for-profit, not-for-profit, Federal, religious; for health care providers: Specialty, group practice).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for collecting the requested information is contained in secs. 902, and 923 of the Public Health Service Act, and sec. 1142 of the Social Security Act (42 U.S.C. 299a, 299c-2 and 1320b-12).

PURPOSE(S) OF THE SYSTEM:

(1) To investigate the validity and reliability of claims data (i.e., Medicare claims and other insurance claims data) for effectiveness and outcomes research.

(2) To investigate the completeness of recorded comorbidities on claims data.

(3) To investigate the possibility of differentiating comorbidities from complications in claims data.

(4) To estimate the error of coding conditions and procedures for payment purposes in claims data to develop methods to better use these data for clinical research.

(5) To develop new methods of effectiveness and outcomes research by combining clinical and administrative/claims data.

(6) To test coding systems for diagnoses and procedures that provide more clinical detail.

(7) To test linking different sources of data to track and adjust outcomes over time.

(8) To support or conduct other clinical research to formulate data standardization and development of data sources for effectiveness, outcomes, quality of care, and clinical practice guideline research.

(9) To test new diagnosis grouping schemes that incorporate clinical as well as payment considerations.

(10) To test the feasibility of pooling private and public entities' data for research purposes.

(11) To develop new data bases for effectiveness and outcomes research, or

(12) To develop methods to evaluate clinical practice guidelines.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USE:

The routine uses proposed for this system are compatible with the stated purposes of the system, and are restricted by 42 U.S.C. 299a-1(c). Therefore, disclosures will be made to contractors and grantees carrying out AHCPR-supported health services research. Any further disclosures can only be made with the consent of the individuals identified in the system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSITION OF RECORDS IN THE SYSTEM:**STORAGE:**

Complete sets of records are maintained in file folders or on magnetic media. Abstractions from the categories of records in the system are maintained on discs and computer tape with encrypted identifiers.

RETRIEVABILITY:

Records are retrieved by name, special identification number, State, hospital, or condition/procedure.

SAFEGUARDS:

1. *Authorized Users:* These records will be maintained on the Health Care Financing Administration's (HCFA) computer in Baltimore, Maryland, National Institute of Health's (NIH)-DCRT mainframe computer in Bethesda, Maryland, at the Parklawn Computer Center (PCC) in Rockville, Maryland, or on AHCPR contractor computers, and access is by password known only to authorized users who are AHCPR/CMER staff or contractors or their employees responsible for the conduct of authorized research, and who are authorized access to these data.

2. *Physical Safeguards:* Access to computer systems where data are stored electronically is restricted to individuals with special identification codes and accounts. The data set names are known only to those individuals with a need to know for authorized research. Inactive records in hard copy or on magnetic media are stored at the Federal Records Storage Facility with Records Management approval and with the safeguards and security provided by the facility. Rooms where records are stored are double locked when not in use. During regular business hours rooms are unlocked but access is controlled by on-site personnel.

3. *Procedural and Technical Safeguards:* Approval for access and use of the HCFA, NIH, PCC and contractors mainframe computers is required prior to issuing a user ID and account. A password is required to access the terminal and a data set name controls the release of data only to authorized users. All users of confidential information in connection with the performance of their research (see Authorized Users, above) protect information from public view and from unauthorized personnel entering an unsupervised office. Records maintained at the Federal Records Storage Facility can not be released without proper procedure and only to authorized individuals in AHCPR/CMER.

AHCPR staff monitors contractor compliance with the provisions of the Privacy Act, as well as compliance with the confidentiality protection in 42 U.S.C. 299a-1(c). Contractor system security must be commensurate with the use and sensitivity of the records.

RETENTION AND DISPOSAL:

After completion of the proposed studies, AHCPR/CMER staff and contractors will retire hard copy records

and/or records on magnetic media to a Federal Records Center. Contractors will delete all record from their computer systems upon completion of the specified studies and retain no copies of any of these records. Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the AHCPR Records Control Schedule. The records control schedule and disposal standard for these records may be obtained by writing to the system manager at the address below.

Policy-Coordinating Official:

Director, MEDTEP Statistical Analysis and Data Modeling Group, Agency for Health Care Policy and Research, Executive Office Center, 2101 E. Jefferson Street, Suite 605, Rockville, Maryland 20852-4908, (301) 227-8485.

SYSTEM MANAGERS AND ADDRESS:

Director, MEDTEP Statistical Analysis and Data Modeling Group, Agency for Health Care Policy and Research, Center for Medical Effectiveness Research, Executive Office Center, 2101 E. Jefferson Street, Suite 605, Rockville, Maryland 20852-4908, (301) 227-8485.

Project Officer, Pediatric Gastroenteritis Research, Agency for Health Care Policy and Research, Center for Medical Effectiveness Research, Executive Office Center, 2101 E. Jefferson Street, Suite 605, Rockville, Maryland 20852-4908, (301) 227-8485.

Project Officer, C-Section Research, Agency for Health Care Policy and Research, Center for Medical Effectiveness Research, Executive Office Center, 2101 E. Jefferson Street, Suite 605, Rockville, Maryland 20852-4908, (301) 227-8485.

Project Officer, Schizophrenia Research, Agency for Health Care Policy and Research, Center for Medical Effectiveness Research, Executive Office Center, 2101 E. Jefferson Street, Suite 605, Rockville, Maryland 20852-4908, (301) 227-8485.

Project Officer, Low Birth Weight Research, Agency for Health Care Policy and Research, Center for Medical Effectiveness Research, Executive Office Center, 2101 E. Jefferson Street, Suite 605, Rockville, Maryland 20852-4908, (301) 227-8485.

Project Officer, Stroke Research, Agency for Health Care Policy and Research, Center for Medical Effectiveness Research, Executive Office Center, 2101 E. Jefferson Street, Suite 605, Rockville, Maryland 20852-4908, (301) 227-8485.

NOTIFICATION PROCEDURES:

To determine if a record exists, write to the Systems Manager listed above. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be. The request should include: (a) Full name, (b) appropriate dates of health care services, (c) place of service to include state and provider name, and (d) condition for which treatment was provided. The requester must also understand that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

Furthermore, an individual who requests notification of, or access to, a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's/incompetent person's medical records shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child/incompetent as well as his/her own identity.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the System Manager at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought and the reason(s) for requesting the correction, along with supporting justification to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Subject individuals, family members, health care providers, hospitals, State

vital statistic records, administrative and claims records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 92-19734 Filed 8-26-92; 8:45 am]
BILLING CODE 4160-90

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**Office of Administration**

[Docket No. N-92-3490]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notices.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comment on the subject proposals.

ADDRESSES: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Angela Antonelli, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT:

Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708-0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals for the collections information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The Notices list the following information:

(1) The title of the information collection proposal;

(2) The office of the agency to collect the information;

(3) The description of the need for the information and its proposed use;

(4) The agency form number, if applicable;

(5) What members of the public will be affected by the proposal;

(6) How frequently information submissions will be required;

(7) An estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response;

(8) Whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and

(9) The names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: August 18, 1992.

John T. Murphy,

Director, Information Resources Management Policy and Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Requirement for Repurchase Agreements for Public Housing Agencies (PHAs) and Indian Housing Authorities (IHAs).

Office: Public and Indian Housing.

Description of the Need for the Information and its Proposed Use: This information collection requests that Public Housing Agencies/Indian Housing Authorities (PHAs/IHAs) provide written certification to HUD on repurchase agreements. Financial Management Handbook 7475.1 REV dated December 1987 permits PHAs to invest funds on deposit in the General Fund in repurchase agreements.

Form Number: None.

Respondents: State or Local Governments.

Frequency of Submission: On Occasion.

Reporting Burden:

| | Number of respondents | × | Frequency of response | × | Hours per response | = | Burden hours |
|--------------------|-----------------------|---|-----------------------|---|--------------------|---|--------------|
| Certification..... | 30 | | 1 | | 2 | | 60 |

Total Estimated Burden Hours: 60.
Status: Reinstatement.

Contact: Stephanie Avery-Boyd, (202) 708-1872, Angela Antonelli, OMB, (202) 395-6880.

Dated: August 18, 1992.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Annual Contributions for Operating Subsidies Performance Funding System; Modification to the Performance Funding System.

Office: Public and Indian Housing.

Description of the Need for the Information and its Proposed Use: The information is used by Public Housing Agencies (PHAs) for inclusion in budget submissions which are reviewed and approved by HUD Field Offices as the basis for obligating operating subsidies. The information collection is necessary

to assure that a PHA is not provided more subsidy than is needed for effective operation of the PHA.

Form Number: None.

Respondents: State or Local Governments.

Frequency of Submission: Annually.

Reporting Burden:

| | Number of respondents | × | Frequency of response | × | Hours per response | = | Burden hours |
|--------------------------------|-----------------------|---|-----------------------|---|--------------------|---|--------------|
| Estimating and Reporting | 1,900 | | 1 | | 2 | | 3,800 |
| Recordkeeping | 1,900 | | 1 | | 5 | | 9,500 |

Total Estimated Burden Hours: 13,300.
Status: Extension.

Contact: John T. Comerford, HUD, (202) 708-1872, Angela Antonelli, OMB, (202) 395-6880.

Dated: August 18, 1992.

Notice of Submission of Proposed Information Collection to OMB

Proposal: American Housing Survey (AHS)—1993 Metropolitan Sample (MS).

Office: Policy Development and Research.

Description of the Need for the Information and its Proposed Use: The 1993 AHS-MS is a longitudinal study that collects current information on the quality, availability, and cost of housing in seven selected metropolitan areas. It also provides information on demographic and other characteristics of the occupants. Federal and local

agencies use AHS data to evaluate housing issues.

Form Number: AHS-61, 62, 63, 64, 65, 66, 67, 68 and 590.

Respondents: Individuals or Households.

Frequency of Submission: Annually.

Reporting Burden:

| | Number of respondents | × | Frequency of response | × | Hours per response | = | Burden hours |
|--------------|-----------------------|---|-----------------------|---|--------------------|---|--------------|
| Survey | 31,500 | | 1 | | .543 | | 17,105 |

Total Estimated Burden Hours: 17,105.
Status: Revision.

Contact: Duane T. McCough, HUD, (202) 708-1060, Daniel Weinberg, Census Bureau (301) 763-8550, Angela Antonelli, OMB, (202) 395-6880.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Application for Approval as a Mortgage-Backed Securities Issuer.

Office: Government National Mortgage Association.

Description of the Need for the Information and its Proposed Use: This form is provided for use by applicants proposing to become Mortgage-Backed Securities issuers. It is designed to summarize their business background and experience. The information is necessary in order for GNMA to determine whether the applicant meets

all GNMA eligibility requirements contained in 24 CFR part 390.

Form Number: HUD-11701.

Respondents: Businesses or Other For-Profit and Small Businesses or Organizations.

Frequency of Submission: On Occasion.

Reporting Burden:

| | Number of respondents | × | Frequency of response | × | Hours per response | = | Burden hours |
|-----------------|-----------------------|---|-----------------------|---|--------------------|---|--------------|
| HUD-11701 | 50 | | 1 | | .75 | | 38 |

Total Estimated Burden Hours: 38.
Status: Reinstatement.

Contact: Charles Clark, HUD, (202) 708-2234, Brenda Countee, HUD, (202) 708-2234, Angela Antonelli, OMB, (202) 395-6880.

Dated: August 18, 1992.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Development Program for Indian Housing Authority and Indian Low-Income House Program Development Cost Budget.

Office: Public and Indian Housing.

Description of the Need for the Information and its Proposed Use: This information is needed by HUD to assure

that legal, administrative, or programmatic requirements are met. The information will be used to control the cost of housing units, their design, and total project cost.

Form Number: HUD-53045 and HUD-53045A.

Respondents: State or Local Governments.

Frequency of Submission: On
Occasion.

Reporting Burden:

| | Number of respondents | × | Frequency of response | × | Hours per response | = | Burden hours |
|--|--------------------------|---|--------------------------|---|-----------------------|---|-----------------|
| Budget and Administrative Statement..... | 130 | | 1 | | 12 | | 1,560 |

Total Estimated Burden Hours: 1,560.

Status: Reinstatement.

Contact: Ralph Gonzales, HUD (202)
708-0596, Angela Antonelli, OMB, (202)
395-6880.

Dated: August 18, 1992.

[FR Doc. 92-20560 Filed 8-26-92; 8:45 am]

BILLING CODE 4210-01-M

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-92-3340; FR-3133-N-02]

Shelter Plus Care Program; Announcement of Funding Awards

AGENCY: Office of the Assistant
Secretary for Community Planning and
Development, HUD.

ACTION: Announcement of funding
awards.

SUMMARY: In accordance with section
102(a)(4)(C) of the Department of
Housing and Urban Development
Reform Act of 1989, this announcement
notifies the public of funding decisions
made by the Department in a
competition for funding under the
Shelter Plus Care NOFA. The
announcement contains the names and
addresses of the award winners and the
amounts of the awards.

DATES: August 27, 1992.

FOR FURTHER INFORMATION CONTACT:
James N. Forsberg, Director, Office of
Special Needs Assistance Programs,
Department of Housing and Urban
Development, 451 Seventh Street, SW.,
Washington, DC 20410, telephone (202)
708-4300. The TDD number for the
hearing impaired is (202) 708-2565.
(These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: The
purpose of the competition was to
award grants to be used for rental
assistance for homeless persons with
disabilities. Grants are matched by the
recipients with supportive services
equal in value to the amount of rental
assistance.

The 1991 awards announced in this
Notice were selected for funding in a
competition under the Shelter Plus Care
program, which is authorized by title IV
of the Stewart B. McKinney Homeless

Assistance Act. The competition was
announced in a Federal Register Notice
published on December 5, 1991 (56 FR
63842). Applications were scored and
selected for funding on the basis of
selection criteria contained in that
Notice.

A total of \$76.6 million was awarded
to 30 communities, for a total of 34
projects nationwide. Grants were
available for two of the three
components of Shelter Plus Care: \$37
million for sponsor-based rental
assistance (SRA), which are five-year
grants; and \$39.6 million for Moderate
Rehabilitation for Single Room
Occupancy Dwellings (SRO), which are
ten-year grants. In accordance with
section 102(a)(4)(C) of the Department of
Housing and Urban Development
Reform Act of 1989 (Pub. L. 101-235,
approved December 15 1989), the
Department is publishing the grantees
and amounts of the awards as follows:

Shelter Plus Care Program

| | |
|--|-------------|
| City of Tucson, AZ Community Service Dept..... | \$3,116,160 |
| City of Bakersfield, CA/Kern County Hsq. Auth..... | 4,082,400 |
| City of Los Angeles, CA..... | 3,709,560 |
| City of San Diego, CA Housing Commission..... | 1,555,500 |
| Alameda County, CA/Oakland Hsq. Auth..... | 5,481,840 |
| Alameda County, CA..... | 3,664,360 |
| Santa Clara County, CA..... | 947,340 |
| State of Connecticut Dept. of Mental Health..... | 1,063,200 |
| Metropolitan Dade County, FL Dept. of Human Resources..... | 3,436,200 |
| Metropolitan Dade County, FL Dept. of Human Resources/ Dept. of Housing..... | 1,600,000 |
| City of Peoria, IL/Peoria Hsq. Auth..... | 1,220,400 |
| State of Indiana Family and Social Services Administra- tion..... | 525,900 |
| Commonwealth of Massachu- setts Dept. of Public Health..... | 793,800 |
| City of Boston, MA/Boston Hsq. Auth..... | 2,453,760 |
| City of Cambridge, MA/Cam- bridge Hsq. Auth..... | 2,044,800 |
| City of Baltimore, MD/Balti- more Hsq. Auth..... | 945,120 |
| City of Baltimore, MD..... | 873,000 |
| City of Portland, ME..... | 771,780 |
| Kent County, MI/Grand Rapids Hsq. Comm..... | 1,108,800 |

| | |
|--|-----------|
| State of Michigan Dept. of Mental Health..... | 661,320 |
| State of Minnesota/Housing Fi- nance Agency..... | 1,727,280 |
| Wake County, NC/Raleigh Housing Authority..... | 252,640 |
| State of North Carolina Dept. of Human Resources..... | 1,158,840 |
| City of Paterson, NJ Housing Div./State of NJ..... | 6,744,000 |
| City of New York, NY/Dept. of Hsq. Preservation and Devel- opment..... | 6,922,200 |
| Westchester County, NY Dept. of Comm. Health..... | 2,153,160 |
| New York State Office of Mental Health..... | 3,437,220 |
| Franklin County, OH..... | 2,171,400 |
| City of Cincinnati, OH/Metro- politan Hsq. Auth..... | 712,800 |
| City of Philadelphia, PA/Phila- delphia Hsq. Auth..... | 2,396,160 |
| City of Philadelphia, PA..... | 3,701,400 |
| City of Dallas, TX/Hsq. Auth. of Dallas..... | 2,626,560 |
| City of Burlington, VT/Burling- ton Hsq. Auth..... | 759,600 |
| King County, WA..... | 2,650,320 |

Dated: August 18, 1992.

Randall H. Erben,
Acting Assistant Secretary for Community
Planning and Development.

[FR Doc. 92-20559 Filed 8-26-92; 8:45 am]

BILLING CODE 4210-29-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY-040-02-4760-10; WYW-125681]

Public Notice of a Site Possibly Containing Hazardous Waste

AGENCY: Bureau of Land Management,
Interior.

ACTION: Emergency Closure of Public
Lands.

SUMMARY: Notice is hereby given that
effective August 27, 1992, all public
lands north of the Dewar Ranch access
road in the area described as follows:

T. 16 N., R. 114 W., 6th P.M.
Sec. 22, NW 1/4 SE 1/4 NE 1/4,
Uinta County, Wyoming.
are closed to the public because of the
discovery of possible hazardous waste on
public lands.

EFFECTIVE DATE: August 27, 1992. The closure will remain in effect until February 24, 1993.

FOR FURTHER INFORMATION CONTACT: Mark R. Hatchel, Realty Specialist, Kemmerer Resource Area, Rock Springs District, Bureau of Land Management, 312 Highway 189 North, Kemmerer, Wyoming 83101, (307) 877-3933.

SUPPLEMENTARY INFORMATION: This is a renewal of the closure that was issued on April 15, 1992. The purpose of this closure is to protect the health and safety of the public while all materials suspected to contain hazardous substances are removed from the described public land. The authority for this closure is contained in 43 CFR 8364. Any person who fails to comply with this closure may be subject to a fine not to exceed \$1,000 and/or imprisonment not to exceed 12 months.

Dated: August 20, 1992.

John Pecor,

Acting Area Manager.

[FR Doc. 92-20566 Filed 8-26-92; 8:45 am]

BILLING CODE 4310-22-M

[CO-920-02-4120-14; COC 53356]

Public Hearing and Request for Comments on Environmental Assessment Maximum Economic Recovery Report, and Fair Market Value, Application for Competitive Coal Lease COC 53356; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public hearing.

SUMMARY: Bureau of Land Management, Colorado State Office, Lakewood, Colorado, hereby gives notice that a public hearing will be held to receive comments on the environmental assessment, maximum economic recovery, and fair market value of federal coal to be offered. An application for coal lease was filed by Cyprus Orchard Valley Coal Corporation requesting the Bureau of Land Management offer for competitive lease 401.78 acres of Federal coal in Delta County, Colorado. An additional 120 acres of coal has been added in order to lease all of the recoverable coal in the area.

DATES: The public hearing will be held 7-9 p.m., September 22, 1992. Written comments should be received no later than October 1, 1992.

ADDRESSES: The public hearing will be held in the Paonia Town Hall, Paonia Community Center Room, 214 Grand Avenue, Paonia, Colorado. Written comments should be addressed to the

Bureau of Land Management, Uncompahgre Basin Resource Area Office, 2505 South Townsend Avenue, Montrose, Colorado 81401.

FOR FURTHER INFORMATION CONTACT: Allen Belt, Area Manager, Uncompahgre Basin Resource Area Office at the address above, or by telephone at (303) 249-7791.

SUPPLEMENTARY INFORMATION: Bureau of Land Management, Colorado State Office, Lakewood, Colorado, hereby gives notice that a public hearing will be held on September 22, 1992, at 7 p.m., in the Paonia Town Hall, 214 Grand Avenue, Paonia, Colorado.

An application for coal lease was filed by Cyprus Orchard Valley Coal Corporation requesting the Bureau of Land Management offer for competitive lease Federal coal in the lands outside established coal production regions described as:

T. 13 S., R. 92 W., 6th P.M.

Sec. 10, lots 1 to 3, inclusive; and lots 6 to 9, inclusive;

Sec. 11, NW ¼ and NE ¼ SW ¼.

Containing 521.78 acres.

The coal resource to be offered is limited to coal recoverable by underground mining methods.

The purpose of the hearing is to obtain public comments in the environmental assessment and on the following items:

- (1) The method of mining to be employed to obtain maximum economic recovery of the coal.
- (2) The impact that mining the coal in the proposed leasehold may have on the area, and
- (3) The methods of determining the fair market value of the coal to be offered.

Written requests to testify orally at the September 22, 1992, public hearing should be received at the Uncompahgre Basin Resource Area Office prior to the close of business September 22, 1992. Those who indicate they wish to testify when they register at the hearing may have an opportunity if time is available.

In addition, the public is invited to submit written comments concerning the fair market value and maximum economic recovery of the coal resource. Public comments will be utilized in establishing fair market value for the coal resource in the described lands. Comments should address specific factors related to fair market value including, but not limited to:

1. The quality and quantity of the coal resource.
2. The price that the mined coal would bring in the market place.
3. The cost of producing the coal.

4. The interest rate at which anticipated income streams would be discounted.

5. Depreciation and other accounting factors.

6. The mining method or methods which would achieve maximum economic recovery of the coal.

7. Documented information on the terms and conditions of recent and similar coal land transactions in the lease sale area, and

8. Any comparable sales data of similar coal lands.

Should any information submitted as comments be considered to be proprietary by the commenter, the information should be labeled as such and stated in the first page of the submission. Written comments on the environmental assessment, maximum economic recovery, and fair market value should be sent to the Uncompahgre Basin Resources Area Office at the above address prior to close of business on October 1, 1992.

Substantive comments, whether written or oral, will receive equal consideration prior to any lease offering.

The Draft Environmental Assessment and Maximum Economic Recovery Report are available from the Uncompahgre Basin Resource Area office upon request.

A copy of the Draft Environmental Assessment, the Maximum Economic Recovery Report, the case file, and the comments submitted by the public, except those portions identified as proprietary by the commenter and meeting exemptions stated in the Freedom of Information Act, will be available for public inspection at the Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado.

Dated: August 18, 1992.

Richard D. Tate,

Chief, Mining Law and Solid Minerals Adjudication Section.

[FR Doc. 92-20536 Filed 8-26-92; 8:45 am]

BILLING CODE 4310-JB-M

[CA-050-282-3110-10-B008; CACA 30114]

Realty Action; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action; Exchange of public and private lands in Shasta and Tehama Counties, California.

SUMMARY: The following described public lands are being considered for exchange to American Land Conservancy, under section 206 of the

Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

Note: Not all lands identified below may be involved in the exchange. Some may be deleted to eliminate possible conflicts that could arise during processing. The final selection of properties will be made to achieve comparable values between the offered and selected lands.

Selected Public Land

- T. 32 N., R. 5 W.,
Sec. 32, Lots 155, 164, 165, 167-170, 173-176, 178-182, 184, 186-196, 198-208, 212-215, 218-229.
- T. 31 N., R. 5 W.,
Sec. 5, Lots 6, 7, 9, 12, 14, 15, 17-19, 21-23, 26-32, 44-46, 48-50, 52-54, 56, 58-62, 81, 82, 84.
- T. 31 N., R. 5 W.,
Sec. 6, Lots 8-10, 17-20, 22, 26, 28.
- T. 31 N., R. 5 W.,
Sec. 28, E $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ S
W $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$,
SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ N
W $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 29, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.
- T. 31 N., R. 5 W.,
Sec. 10, SW $\frac{1}{4}$.
- T. 31 N., R. 6 W.,
Sec. 24, W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ S
W $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.
- T. 31 N., R. 5 W.,
Sec. 8, Lots 6-20.
- T. 31 N., R. 5 W.,
Sec. 9, N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ N
W $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$,
SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$,
S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ S
W $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$,
SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$,
W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$,
N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ N
E $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 32 N., R. 5 W.,
Sec. 21, SE $\frac{1}{4}$ (portion of);
Sec. 33, Lot 5.

All within the Mount Diablo Meridian.
Containing 1383.47 acres, more or less.

In exchange for these lands, the Federal Government will acquire private lands within the Sacramento River Management Area.

SUPPLEMENTARY INFORMATION: The purpose of this exchange is to acquire historic riparian habitat for wildlife and fisheries enhancement, and recreation opportunities, and to block up public lands along the Sacramento River. This exchange is consistent with Bureau planning for the lands involved.

Lands to be transferred from the United States will be evaluated in accordance with the National Environmental Protection Act, and will be subject to the following reservations, terms and conditions:

(1) A reservation to the United States for a right-of-way for ditches and canals constructed under the authority of the Act of August 20, 1890 (43 U.S.C. 945).

(2) A reservation to the United States for a right-of-way for an access road in

the vicinity of M.D.M., T. 31 N., R. 5 W., Sec. 5, NW $\frac{1}{4}$, by authority of the Act of October 21, 1976.

(3) Any authorized land uses, such as rights-of-ways, will be identified as prior existing rights.

This notice, as provided in 43 CFR 2201.1(b), shall segregate the public lands that are being considered for this exchange. These lands were previously segregated for exchange by CA 22703; this notice supersedes that action. By publication of this notice, these vacant, unappropriated and unreserved public lands described above are segregated from settlement, location, and entry under the public lands and minerals laws. The segregative effect shall terminate upon issuance of patent, or upon publication in the *Federal Register* of a termination of the segregation, or two years from the date of this notice, whichever occurs first.

This notice also serves to terminate the following withdrawal classifications:

M.D.M., T. 31 N., R. 5 W., Sec. 9

S 1760 BLM Order Classifying for R&PP Act

M.D.M., T. 31 N., R. 5 W., Sec. 5

3-26-63 BLM Order Classifying for Small Tract C3-3; affects Lots 6, 7, 9, 12, 14, 15, 17-19, 21-23, 26-31, 44-46, 48-50, 52-54, 56, 58-62, 82.

M.D.M., T. 31 N., R. 5 W., Sec. 6

3-26-63 BLM Order Classifying for Small Tract Act C3-3; affects Lot 26 and E $\frac{1}{2}$ of Lot 22.

EFFECTIVE DATE: The public is invited to comment on the proposed exchange on or before October 13, 1992. Comments may be sent to the Area Manager, Redding Resource Area, 355 Hemsted Drive, Redding, California 96002. Any comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this action will become the final determination.

FOR FURTHER INFORMATION CONTACT: Patricia Cook, Realty Specialist, at the address above.

Mark T. Morse,
Area Manager.

[FR Doc. 92-20541 Filed 8-26-92; 8:45 am]

BILLING CODE 4310-40-M

[ES-030-2-4212-18]

Realty Action; Sale of Public Land in Itasca County, MN

AGENCY: U.S. Department of the Interior, Bureau of Land Management.

ACTION: Realty action noncompetitive sale.

SUMMARY: The following land has been found suitable for direct sale under

section 205 of the Minnesota Public Lands Improvement Act of 1990 (104 Stat. 1019) at the estimated fair market value less equities presented by the applicant. The land will not be offered for sale until at least 60 days after the date of this notice.

Fourth Principal Meridian

T. 60 N., R. 22 W.,

Sec. 25, Lot #4.

Containing approximately 0.75 acres.

The land described is hereby segregated from appropriation under the public land laws, including the mining laws, pending disposition of this action or 270 days from the date of publication of this notice, whichever occurs first.

This land is being offered by direct sale to Edward E. Sixberry. It has been determined that the subject parcel contains no known mineral values; therefore, mineral interest may be conveyed simultaneously. Acceptance of the direct sale offer will qualify the purchaser to make application for conveyance of those mineral interests under section 209 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713).

The patent, when issued, will contain certain reservations to the United States. Detailed information concerning these reservations as well as specific conditions of the sale are available for review at the Milwaukee District Office, Bureau of Land Management, 310 West Wisconsin Avenue, Suite 225, Milwaukee, Wisconsin 53203.

DATES: Interested parties may submit comments to the District Manager, Milwaukee District, at the above address on or before October 13, 1992. In the absence of timely objections, this proposal shall become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT:

Detailed information concerning this sale is available at the Milwaukee District Office, Bureau of Land Management, 310 West Wisconsin Avenue, Suite 225, Milwaukee, Wisconsin 53203 or by calling Larry Johnson at 414-297-4413.

Gary D. Bauer,

District Manager.

[FR Doc. 92-20286 Filed 8-26-92; 8:45 am]

BILLING CODE 4310-GJ-M

[WY-040-02-4212-11; WYW-122556]

Lease for Recreation and Public Purposes

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action, recreation and public purposes classification and application for lease in Uinta County.

SUMMARY: The following public lands have been identified and examined and are classified as suitable for lease under the Recreation and Public Purposes Act, as amended, 43 U.S.C. 869 et seq.

Sixth Principal Meridian, Uinta County, Wyoming

T. 16 N., R. 113 W.,

Sec. 6, Lots 1, 2, 13, 14;

Sec. 7, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$.

The above land aggregates 33.91 acres.

FOR FURTHER INFORMATION CONTACT:

Mark R. Hatchel, Realty Specialist, Kemmerer Resource Area, Rock Springs District, Bureau of Land Management, 312 Highway 189 North, Kemmerer, Wyoming 83101, (307) 877-3933.

SUPPLEMENTARY INFORMATION: The purposes of this classification and application for lease of these lands is for Uinta County to construct and operate a recreational chariot racing site. The lease is subject to existing prior rights. The proposed lease is consistent with the Kemmerer Resource Management Plan. The land is not required for any Federal purpose.

Upon publication of this notice in the *Federal Register*, the above described land will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for recreation and public purposes and leasing under the mineral leasing laws.

The lands will not be offered for lease until at least October 26, 1992.

The lease will have no effect on the South Monument grazing lease permittee. For a 45 day period ending on October 13, 1992 interested parties may submit comments to the Bureau of Land Management, District Manager, P.O. Box 1869, Rock Springs, Wyoming 82902-1869. Any adverse comments will be evaluated by the State Director, who may sustain, vacate, or modify this realty action. In the absence of any objections, this proposed realty action will become final.

Dated: August 20, 1992.

John Pecor,

Acting Area Manager.

[FR Doc. 92-20565 Filed 8-26-92; 8:45 am]

BILLING CODE 4310-22-M

[OR-930-02-6350-08: GP2-342]

Draft Resource Management Plan/Environmental Impact Statement; Availability

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of draft Resource Management Plan/Environmental Impact Statement for the Eugene District, Oregon, on or about August 28, 1992.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1970, section 202(f) of the Federal Land Policy and Management Act of 1976, and 43 CFR part 1610, a draft Resource Management Plan/Environmental Impact Statement (RMP/EIS) for the Eugene District, Oregon, has been prepared and is available for review and comment. The draft RMP/EIS describes and analyzes future options for managing approximately 316,592 acres of mostly forested public land and 1,299 acres of nonfederal surface ownership with Federal mineral estate administered by the Bureau of Land Management in Lane, Linn, Benton and Douglas Counties in western Oregon.

Decisions generated during this planning process will supersede land use planning guidance presented in the 1983 Management Framework Plan (MFP) as well as land use guidance for the Eugene District Off-Road Vehicle Designation Plan, 1976 Upper Willamette and Siuslaw Environmental Analysis Records for Oil and Gas Leasing, and the 1978 Noti-Lorane and Mohawk-Dorena Environmental Assessments for Oil and Gas Leasing.

Copies of the draft RMP/EIS and a summary of it may be obtained from the Eugene District Office. Public reading copies will be available for review at the public libraries in Eugene, the Lane County Office Building, all government document depository libraries, and at the following BLM locations:

Office of External Affairs, Main Interior Building, room 5600, 18th and C Streets, NW., Washington, DC 20240. Public Room, Oregon State Office, 1300 NE 44th Avenue, Portland, Oregon 97213.

Eugene District Office, 2890 Chad Drive, Eugene, Oregon 97401.

All Other BLM Offices in Western Oregon

An open house with opportunity to discuss the draft RMP/EIS will be held on September 30, 1992, at the Eugene District Office, 2890 Chad Drive, Eugene, Oregon from 2 p.m. until 4 p.m. and 6

p.m. until 8 p.m. Additional open houses will be scheduled as needed.

DATES: Written comments on the draft RMP/EIS must be submitted or postmarked no later than December 21, 1992.

ADDRESSES: Written comments should be addressed to Ronald Kaufman, District Manager, Eugene District, Bureau of Land Management, P.O. Box 10226, Eugene, Oregon 97440.

FOR FURTHER INFORMATION CONTACT: Jon Strandjord, RMP Team Leader, Eugene District Office; Phone (503) 683-6994.

SUPPLEMENTARY INFORMATION: The draft RMP/EIS describes and analyzes seven alternatives to resolve the following issues: (1) Timber production practices; (2) Old growth forests and habitat diversity; (3) Threatened and endangered and other special status species habitat; (4) Special areas; (5) Visual resources; (6) Stream/riparian/water quality; (7) Recreation resources; (8) Wild and scenic rivers; (9) Land tenure; and (10) Rural Interface Areas. The issues are analyzed in seven distinct alternatives.

In the BLM's preferred alternative, water quality would be maintained or improved primarily by a combination of Best Management Practices and exclusion of selected areas from planned timber harvest. Particularly important exclusion areas would be the riparian zones of perennial streams and other streams that carry fish.

About 142,000 acres would be managed to maintain and strengthen a system of old growth ecosystem areas, which are expected to increase the amount of old growth stands in the planning area from about 41,000 acres to about 54,000 acres over the next 100 years.

About 141,000 acres would be managed for timber production, including 52,000 acres managed under substantial restrictions to protect or enhance other resource values. The annual allowable timber sale quantity would be 19.9 million cubic feet. To contribute to biological diversity, standing trees, snags, and down, dead woody material would be retained.

In addition to protecting listed or proposed threatened and endangered species as required by the Endangered Species Act, BLM would manage habitats of Federal Candidate, State Listed, and Bureau Sensitive species to maintain their populations at a level that would avoid endangering the species.

Management would provide for a wide variety of recreation opportunities with particular emphasis on

enhancement of opportunities for camping, day-use areas, and various trails.

Three river segments covering 66 miles could be found suitable for designation by Congress under the Wild and Scenic River Act. About 35 other miles of river found eligible for

designation and studied by BLM would be found not suitable for designation.

All BLM administered lands would remain available to leasing for oil and gas and geothermal resources. Most BLM administered lands would remain available for the location of mining claims but 13,350 acres would be closed to entry under the mining laws.

The RMP/EIS proposes continuation of designation of seven Areas of Critical Environmental Concern (ACEC) and designation of five new ACECs. The preferred alternative would designate or redesignate the following ACECs with the noted restrictions.

| Area name | Acres | Vegetation harvest | ORV use | Mining location | Mineral leasing | Rights-of-way |
|---|-------|--------------------|---------|-----------------|-----------------|---------------|
| Horse Rock Ridge ACEC (proposed ACEC/RNA) | 378 | P | P | P | R | R |
| Long Tom ACEC | 7 | P | P | P | R | R |
| Lake Creek Falls ACEC (proposed ACEC/ONA) | 58 | P | P | P | R | R |
| Mohawk ACEC/RNA | 292 | P | P | P | R | R |
| Camas Swale ACEC/RNA | 314 | P | P | P | R | R |
| Fox Hollow ACEC/RNA | 160 | P | P | P | R | R |
| Upper Elk Meadows ACEC/RNA | 242 | P | P | P | R | R |
| Cannery Dunes (proposed ACEC/ONA) | 40 | NA | P | P | R | R |
| Heceta Sand Dunes (proposed ACEC/ONA) | 218 | P | P | P | R | R |
| Hult Marsh (proposed ACEC) | 167 | P | P | P | R | R |
| Cougar Mountain (proposed ACEC) | 9 | P | P | P | R | R |
| Grassy Mountain (proposed ACEC) | 74 | P | P | P | R | R |

P=Use is prohibited.

R=Use is allowed but with restrictions.

NA=Use is not applicable to this area.

There were 11 potential ACEC areas identified, which met the Bureau ACEC criteria of relevance and importance, that are not included in the preferred alternative. They include: Coburg Hills BEHA, Fall Creek Reservoir BEHA, McKenzie River BEHA, Dorena Reservoir BEHA, Siuslaw River BEHA, Fern Ridge BEHA, Triangle Lake BEHA, Triangle Lake RFI, Coburg Hills RFI, Cottage Grove Reservoir RFI, and Dorena Reservoir RFI (BEHA=Bald Eagle Habitat Area; RFI=Relict Forest Islands).

This Notice meets the requirements of 43 CFR 1610.7-2 for designation of ACECs and the requirements of the final revised Department of the Interior-Department of Agriculture Guidelines for Eligibility, Classification, and Management of Rivers (FR Vol. 47, No. 173, page 39454).

Dated: August 20, 1992.

Bonnie Hogan,

Associate District Manager.

[FR Doc. 92-20540 Filed 8-26-92; 8:45 am]

BILLING CODE 4310-33-M

[AZ-930-4214-10; AZA 26553]

Notice of Proposed Withdrawal and Opportunity for Public Meeting; Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, has filed

application AZA 26553 to withdraw, for a period of 20 years, approximately 4,220.00 acres of National Forest System land for the Highway 87 Strip withdrawal. The purpose of the withdrawal is to protect the foreground area along the route of this major State highway. This notice closes the land for up to 2 years from location and entry under the United States mining laws. The land will remain open to all applicable uses other than those under the mining laws.

DATES: Comments and requests for a meeting should be received on or before November 25, 1992.

ADDRESSES: Comments and meeting requests should be sent to the Arizona State Director, BLM, 3707 N. 7th Street, Phoenix, AZ 85014 or P.O. Box 16563, Phoenix, AZ 85011-6563.

FOR FURTHER INFORMATION CONTACT: John Mezes, BLM Arizona State Office, 602-640-5509.

SUPPLEMENTARY INFORMATION: On August 3, 1992, the U.S. Department of Agriculture, Forest Service, filed application AZA 26553 to withdraw the following described National Forest System land from location and entry under the United States mining laws, subject to valid existing rights:

Gila and Salt River Meridian, Arizona (Tonto National Forest)

T. 9 N., R. 10 E., [A strip of land 1,320 feet wide located along both sides of the centerline of State Highway 87].

Sec. 3, lots 3 and 4, S½NW¼;

Sec. 4, lots 1 thru 4, S½N½;

Sec. 5, lots 1 and 2, S½NE¼, SE¼;

Sec. 8, N½, SW¼;

Sec. 9, E½, E½SW¼;

Sec. 10, NW¼;

Sec. 16, N½, NW¼SW¼;

Sec. 17, W½, SE¼SE¼NE¼;

Sec. 20, N½.

T. 10 N., R. 10 E.,

Sec. 9, SE¼SW¼, SW¼SE¼;

Sec. 18, E½, E½E½W½;

Sec. 21, E½, E½E½W½;

Sec. 22, W½SW¼NW¼, W½NW¼SW¼;

Sec. 28, NE¼, S½;

Sec. 33, NW¼, S½;

Sec. 34, SW¼.

The areas described approximate 4,220.00 acres in Gila County, Arizona.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the subject must submit a written request to the undersigned officer within 90 days from the date of publication of this notice. Upon a determination by the authorized officer that a public meeting will be held, a notice of time and place will be published in the *Federal Register* at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with regulations as set forth in 43 CFR 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the land will be segregated as specified above unless an application is denied or canceled or the withdrawal is approved prior to that date. The temporary uses which will be permitted during this segregative period are all those applicable to U.S. Forest Service administered lands except those under the mining laws.

The temporary segregation of the land in connection with this application shall not affect the administrative jurisdiction over it.

Beaumont C. McClure,

Deputy State Director, Lands and Renewable Resources.

[FR Doc. 92-20537 Filed 8-26-92; 8:45 am]

BILLING CODE 4310-32-M

[AZ-930-4214-10; AZA 26586]

Proposed Withdrawal and Opportunity for Public Meeting; Arizona; Correction

August 18, 1992.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of correction.

SUMMARY: This notice corrects two errors published in the **Federal Register** on August 3, 1992 (57 FR 34141): Proposed Withdrawal and Opportunity for a Public Meeting; Arizona. On page 34141, column 2, line 21, in the **SUMMARY** section there should be a semicolon (;) between the words "location" and "the." The second error is in the **SUPPLEMENTARY INFORMATION** section, column 2, line 54, remove the word "Sitgreaves" and replace with the word "Apache."

Philip D. Moreland,

Acting Deputy State Director, Lands and Renewable Resources.

[FR Doc. 92-20567 Filed 8-26-92; 8:45 am]

BILLING CODE 4310-32-M

[OR-943-4214-10; GP2-394; OR-48510 (WASH)]

Proposed Withdrawal and Opportunity for Public Meeting; Washington; Correction

Notice document 92-17466, published on page 33006, in the issue of Friday, July 24, 1992, is hereby corrected as follows:

On page 33007, first column, delete the last sentence of the notice which reads, "The sites will be fenced to prevent other uses being made of this area," and

insert the omitted sentence which reads, "The temporary uses which may be permitted during this segregative period are other National Forest management activities, including permits, licenses, cooperative agreements, mineral leases, and mineral material permits that are compatible with the intended use under the discretion of the authorized officer."

Dated: August 14, 1992.

Robert E. Molloyhan,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 92-20538 Filed 8-26-92; 8:45 am]

BILLING CODE 4310-33-M

Fish and Wildlife Service

Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT-770837.

Applicant: New York Zoological Society, Bronx, NY.

The applicant requests a permit to import 25 captive-bred aquatic box turtles (*Terapene coahuila*) from Jersey Wildlife Preservation, Channel Islands for captive breeding.

PRT-769988.

Applicant: Anita's Bird House, Chattanooga, TN.

The applicant requests a permit to export 3 captive-bred Queen of Bavaria's (*Aratinga guarouba*) to Picton N. Yorks, England, for the purpose of captive breeding.

PRT-771403.

Applicant: New York Zoological Society, Bronx, NY.

The applicant requests a permit to import blood samples collected from three male and three female wild caught pandas (*Ailuropoda melanoleuca*) for genetic and nutritional studies. Pandas are now being held at the Woolong Nature Reserve, China.

PRT-770361.

Applicant: Helen Michaels, Bowling Green State University, Bowling Green, OH.

The applicant requests a permit to take (remove and reduce to possession) leaf tissue samples of *Geranium multiflorum* and *Geranium arboreum* collected in Haleakala National Park, Maui, Hawaii for DNA isolation.

Written data or comments should be submitted to the Director, U.S. Fish and

Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review by any party who submits a written request for a copy of such documents to, or by appointment during normal business hours (7:45-4:15) in, the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203. Phone: (703/358-2104); FAX: (703/358-2281).

Dated: August 21, 1992.

Susan Jacobsen,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 92-20495 Filed 8-26-92; 8:45 am]

BILLING CODE 4310-55-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-337]

Commission Determination not To Review an Initial Determination Amending the Complaint and Notice of Investigation To Add a Respondent

In the Matter of Certain Integrated Circuit Telecommunication Chips and Products Containing Same, Including Dialing Apparatus

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (ID) issued by the presiding administrative law judge (ALJ) in the above-captioned investigation amending the complaint and notice of investigation to name Tranbon of Taipei, Taiwan as an additional respondent.

ADDRESSES: Copies of the ID and all other nonconfidential documents filed in connection with this investigation are available for public inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-205-2000.

FOR FURTHER INFORMATION CONTACT: Daniel Hopen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW.,

Washington, DC 20436, telephone 202-205-3108.

Hearing-impaired individuals are advised that information about this matter can be obtained by contacting the Commission's TDD terminal, 202-205-1810.

SUPPLEMENTARY INFORMATION: On June 15, 1992, complainant SGS-Thompson Microelectronics, Inc. filed a motion to amend its complaint to name Tranbon as an additional respondent. Neither the existing respondents nor Tranbon opposed the motion. The Commission investigative attorneys supported ST's motion. On July 23, 1992, the presiding ALJ issued an ID (Order No. 47) amending the complaint and notice of investigation to add Tranbon as an additional respondent in this investigation. No petitions for review of the ID or agency comments were received.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and section 210.53 of the Commission's Interim Rules of Practice and Procedure (19 CFR 210.53).

By order of the Commission.
Issued: August 21, 1992.

Paul R. Bardos,
Acting Secretary.

[FR Doc. 92-20530 Filed 8-26-92; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-337]

Certain Integrated Circuit Telecommunication Chips and Products Containing Same, Including Dialing Apparatus; Commission Determination not to Review an Initial Determination Granting in Part Complainant's Motion for Summary Determination on the Issue of Domestic Industry

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (ID) issued by the presiding administrative law judge (ALJ) granting-in-part complainant's motion for partial summary determination on the existence of a domestic industry.

ADDRESSES: Copies of the ID and all other nonconfidential documents filed in connection with this investigation are available for public inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E

Street, SW., Washington, DC 20436, telephone 202-205-2000.

FOR FURTHER INFORMATION CONTACT: Daniel Hopen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-205-3108.

Hearing-impaired individuals are advised that information about this matter can be obtained by contacting the Commission's TDD terminal, 202-205-1810.

SUPPLEMENTARY INFORMATION: On June 2, 1992, Complainant SGS-Thomson Microelectronics, Inc. ("ST") filed a motion for partial summary determination on the issue of the existence of a domestic industry. The motion was opposed by respondents United Microelectronics Corporation and Hualon Microelectronics Corporation (collectively, "respondents"). The Commission investigative attorneys filed a response in support of the partial summary determination. On July 22, 1992, the presiding ALJ issued an ID granting ST's motion in part. The ID found that there was no genuine issue of fact as to whether the economic activity in the United States with respect to two of the three patents in issue was sufficient to establish the economic prong of the domestic industry requirement. Respondents filed a petition for review on August 3, 1992. ST and the Commission investigative attorney filed oppositions to the petition on August 7, 1992, and August 10, 1992, respectively. No agency comments were received.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and § 210.53 of the Commission's Interim Rules of Practice and Procedure (19 CFR 210.53).

Issued: August 21, 1992.

By order of the Commission.

Paul R. Bardos,
Acting Secretary.

[FR Doc. 92-20531 Filed 8-26-92; 8:45 am]
BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-211]

Rahway Valley Railroad Co.; Abandonment, Between Aldene and Summit in Union County, NJ; Findings

The Commission has issued a certificate authorizing the Rahway Valley Railroad Company (RVRC) to abandon its entire line of railroad, consisting of 7.8 miles of rail line extending between milepost 0.0 at Aldene and milepost 7.1 at Summit and

from milepost 2.8 near Branch Junction to the terminus of the former Jaeger Industrial Branch at Morris Avenue, in Union County, NJ. The abandonment certificate will become effective September 26, 1992, unless the Commission finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and RVRC no later than 10 days from the date of publication of this Notice. The following notation shall be typed in bold face in the lower left-hand corner of the envelope containing the offer: "Section of Legal Counsel, AB-OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Decided: August 21, 1992.

By the Commission, Chairman Philbin, Vice Chairman McDonald, Commissioners Simmons, Phillips, and Emmett.

Anne K. Quinlan,
Acting Secretary.

[FR Doc. 92-20602 Filed 8-26-92; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Final Judgment by Consent Pursuant to Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, and section 113(g) of the Clean Air Act, 42 U.S.C. 7413(g), notice is hereby given that on August 12, 1992, a proposed Consent Decree in *United States and State of Colorado v. Public Service Company of Colorado*, Civil Action No. 92-1572, was lodged with the United States District Court for the District of Colorado. The Consent Decree resolves a complaint, filed simultaneously with the lodging of the Consent Decree, by the United States and the State of Colorado against Public Service Company of Colorado ("Public Service"). The Complaint alleges that Public Service violated the Standards of Performance for New Stationary Sources, promulgated under section 111 of the Clean Air Act, 42 U.S.C. 7411, and analogous provisions of the Colorado Air Quality Control Act.

Public Service, a gas and electric power utility, owns and operates two fossil fuel-fired steam generating plants in Colorado, the Comanche Power

Generation Station No. 2 and the Pawnee Power Generation Station. The complaint alleges that Public Service failed to maintain and operate both facilities in a manner consistent with good air pollution control practice for minimizing emissions, in violation of 40 CFR 60.11(d), by failing to begin timely construction of a fabric filter dust collector or a cold-side electrostatic precipitator ("ESP") to replace its malfunctioning hot-side ESPs. The Consent Decree requires Public Service to pay a civil penalty of \$600,000, of which \$440,000 would be paid to the United States and \$160,000 to the State, and to install a fabric filter dust collector under a compliance schedule enforceable by the State.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environmental and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. State of Colorado v. Public Service Co. of Colorado*, D.J. No. 90-5-2-1-1404.

The proposed Consent Decree may be examined at the office of the United States Attorney for the District of Colorado, 633 17th Street, suite 1600, Denver, Colorado 80202, and the U.S. Environmental Protection Agency, Region VIII, 999 18th Street, suite 500, Denver, Colorado 80202. The proposed Consent Decree may also be examined at the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue, NW., Box 1097, Washington, DC 20004, 202-347-2072. A copy of the proposed Consent Decree may be obtained in person or by mail from the Document Center. In requesting a copy, please enclose a check in the amount of \$3.25 (25 cents per page reproduction costs) payable to "Consent Decree Library."

Roger Clegg,
Acting Assistant Attorney General,
Environmental and Natural Resources
Division.

[FR Doc. 92-20555 Filed 8-26-92; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to the Clean Air Act

In accordance with the policy of the Department of Justice, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States v. Steiner, et al.*, Civ. No. 90-00364-ACK, was lodged with the United States District Court for the District of Hawaii on August 14, 1992. That action was

brought against defendants pursuant to the Clean Air Act for violations of the National Emission Standards for Hazardous Air Pollutants (NESHAPs) for asbestos, which occurred during asbestos removal from a condominium unit in Waikiki, Honolulu, Hawaii.

Under the consent decree, Defendant Randall Steiner is required to pay a civil penalty of \$5000 and to comply with the NESHAP in the future. (Two previous decrees similarly resolved the case against the other two defendants.) The Department of Justice will receive comments relating to the proposed consent decree for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environmental and Natural Resources Division, Department of Justice, Washington, DC 20530. All comments should refer to *United States v. Steiner, et al.*, D.J. Ref. 90-5-2-1-1443.

The proposed consent decree may be examined at the office of the United States Attorney, room C-242, U.S. Courthouse, 300 Ala Moana Blvd., Honolulu, Hawaii 96850; at the Region IX office of the Environmental Protection Agency, 75 Hawthorne Street, San Francisco, California 94103; and at the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue, NW., Box 1097, Washington, DC 20004, 202-347-2072. A copy of the proposed consent decree may be obtained in person or by mail from the Document Center. In requesting a copy, please enclose a check in the amount of \$5.50 for the Steiner decree plus its attachments (25 cents per page reproduction costs) payable to the Consent Decree Library. When requesting a copy, please refer to *United States v. Steiner, et al.*, D.J. Ref. 90-5-2-1-1443.

John C. Cruden,
Chief, Environmental Enforcement Section,
Environmental and Natural Resources Division.
[FR Doc. 92-20556 Filed 8-26-92; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

[Application No. D-9067]

Proposed Exemptions; J.J. Johnson & Associates Employees Profit Sharing Trust

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restriction of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or request for a hearing on the pending exemptions, unless otherwise stated in the Notice of Proposed Exemption, within 45 days from the date of publication of this Federal Register Notice. Comments and request for a hearing should state: (1) The name, address, and telephone number of the person making the comment or request, and (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing.

ADDRESSES: All written comments and request for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration, Office of Exemption Determinations, room N-5649, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Attention: Application No. stated in each Notice of Proposed Exemption. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefits Administration, U.S. Department of Labor, room N-5507, 200 Constitution Avenue, NW., Washington, DC 20210.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the Federal Register. Such notice shall include a copy of the notice of proposed exemption as published in the Federal Register and shall inform interested persons of their right to comment and to request a hearing (where appropriate). **SUPPLEMENTARY INFORMATION:** The proposed exemptions were requested in applications filed pursuant to section

408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of proposed exemption are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

J.J. Johnson & Associates Employees Profit Sharing Trust (the Plan) Located in Rochester, New York

[Application No. D-9067]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted, the restrictions of sections 408(a), 408(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the proposed payment by The Sear-Brown Group, Inc. (SB) of certain legal expenses incurred by the Plan, and the repayment of those expenses by the Plan to SB, provided the following conditions are met: (a) The Plan pays no interest or other expenses in connection with the transaction; (b) the Plan will reimburse SB for the expenses solely from the proceeds of any recovery awarded to the Plan in connection with the litigation; and (c) to the extent the amount of the recovery, if any, is less than the amount of the legal expenses paid by SB, the Plan shall not be liable to SB for the difference.

Summary of Facts and Representations

1. The Plan was established on October 1, 1978, by J.J. Johnson & Associates. Jack J. Johnson, (the Original Trustee) was appointed to act as sole trustee for the Plan. In December, 1985,

Metro Equipment, Inc. (Metro) acquired 40% of the stock of Johnson. By September, 1988, Metro had become the owner of all of the stock of Johnson. On October 1, 1988, Johnson ceased doing business and its employees became the employees of SB, a corporation which is a member of the same group of controlled corporations as Metro.

2. The Original Trustee was removed by the Board of Directors of Metro, effective May 2, 1988. Leon Clary, the President of SB, and Anthony Maletta, Chairman of SB's Board of Directors, were appointed as trustees on that date. Effective May 1, 1990, Michael Triassi, Executive Vice President of SB, and Douglas Rosecrans, SB's Engineering Manager (the Plaintiff Trustees), were appointed as additional co-trustees.

3. Upon examination of the records of the Plan, the Plaintiff Trustees discovered what they believed to be breaches of fiduciary duty by the Original Trustee. Accordingly, the Plaintiff Trustees have brought a lawsuit¹ (the Litigation) against the Original Trustee to recover on behalf of the Plan the amounts believed to have been lost by the Plan as a result of the alleged breaches of fiduciary duty. In their complaint, the Plaintiff Trustees made a demand for reimbursement of attorneys' fees and costs. The Original Trustee has filed a counterclaim in which he has alleged that the payment of \$20,000 in legal fees by the Plan (see Rep. 4, below) was improper.²

4. On September 30, 1989, the Plan was terminated and all of the assets were distributed to the Plan participants, except for a reserve of \$20,000 which was to be used to pay attorneys' fees and costs incurred in connection with the Litigation. The \$20,000 reserve has now been disbursed to the Plan's attorneys. SB wishes to enter into an agreement with the Plan pursuant to which SB will pay all of the costs and attorneys' fees incurred through the conclusion of the Litigation. If there is a recovery on behalf of the Plan, the Plan and SB wish to agree that

the Plan will reimburse SB for the costs and attorneys' fees that SB has incurred in connection with the Litigation.³ As of February 15, 1992, approximately \$78,614 in attorneys' fees and costs have been incurred that remain unpaid.

5. The applicant represents that if the exemption proposed herein is not granted, the Plan would not be able to proceed with the Litigation, and thus the Plan participants would lose the opportunity to share in the amount that may be recovered on behalf of the Plan. Furthermore, the applicant represents that the Plan will reimburse SB only if the Plan obtains a recovery, and in no event will the reimbursement exceed the amount of the recovery. If there is no recovery, the Plan will be under no obligation to reimburse SB. Accordingly, the Plan is not exposed to incurring a loss with respect to the transaction.

6. The Plaintiff Trustees estimate that the amount of damages that may be recovered is approximately \$420,000 (which does not include attorneys' fees), plus prejudgment interest accrued since 1988. Approximately \$78,000 in legal fees have been incurred to date, which amount may be adjusted. It is estimated that an additional \$50,000 may be incurred in legal fees. Thus, if the Plan is successful in the Litigation, the Plan could receive approximately \$420,000 or \$548,000, depending on whether attorneys' fees are awarded.

7. In summary, the applicant represents that the proposed transaction satisfies the criteria of section 408(a) of the Act because: (a) The Plan will pay no interest or other expenses in connection with the transaction; (b) the transaction will permit the Plan to pursue the Litigation and thus provide the Plan with an opportunity to recover funds which may be shared by its participants; (c) SB will be reimbursed for attorneys' fees and costs only if the Plan obtains a recovery; and (d) the reimbursement to SB by the Plan will in no event exceed the amount of the recovery.

FOR FURTHER INFORMATION CONTACT:
Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

¹ Michael Triassi and Douglas Rosecrans, Trustees of J.J. Johnson and Associates Profit Sharing Trust versus Jack J. Johnson and John Does 1-10, Inclusive, Civil No. 90-C-580A, filed August 3, 1990 in the United States District Court, District of Utah, Central Division.

² In this proposed exemption, the Department expresses no opinion regarding the merits of the Litigation or the counterclaim.

³ The applicant represents that it has considered the applicability of section 408(b)(2) of the Act to the proposed transaction, and is unable to conclude that the transaction would be exempt from the restrictions of section 408 of the Act under that section.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest of disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 21st day of August, 1992.

Ivan Strasfeld,

Director of Exemption Determinations,
Pension and Welfare Benefits Administration,
U.S. Department of Labor.

[FR Doc. 92-20485 Filed 8-26-92; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 92-67;
Exemption Application No. D-8878, 8879]

Grant of Individual Exemptions; Old Kent Bank and Trust Co.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Notices were published in the *Federal Register* of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary for facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, DC. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of proposed exemption were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Old Kent Bank and Trust Company (the Bank) Located In Grand Rapids, Michigan

[Prohibited Transaction Exemption 92-67;
Exemption Application Nos. D-8878 and D-8879].

Exemption

The restrictions of section 406 (b)(2) and (b)(3) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(F) of the Code, shall not apply to the proposed receipt of fees by the Bank from the Kent Funds (the Funds), an open-end investment company registered under the Investment Company Act of 1940, for acting as the investment adviser for the Funds in connection with the investment by certain plans to which the Bank, or any of its affiliates, serves as a trustee with investment management responsibility (the Client Plans), as well as plans covering employees of the Bank or its affiliates (the Bank Plans) where the Bank or any affiliate is a trustee or directed trustee, provided that the following conditions are met:

(a) No sales commissions are paid by either the Client Plans or the Bank Plans (collectively, the Plans) in connection with the purchase or sale of shares of the Funds and no redemption fees are paid in connection with the sale of shares by the Plans to the Funds;

(b) Each Client Plan, as well as each Bank Plan, receives a rebate, either through cash or the purchase of additional shares of the Funds pursuant to an annual election made by the Plan, of such Plan's proportionate share of all fees charged to the Funds by the Bank within no more than one business day of the receipt of such fees by the Bank;

(c) With respect to the Client Plans, a second fiduciary who is independent of and unrelated to the Bank or any of its affiliates (the Second Fiduciary), receives full written disclosure of information concerning the Funds (including a current prospectus for the Funds and a statement describing the fee structure) and, on the basis of such information, authorizes in writing the investment of assets of the Client Plan in the Funds, the fees to be paid by the Funds to the Bank, and the purchase of additional shares of the Funds by the Client Plan with the fees rebated to the Client Plan by the Bank;

(d) The authorization referred to in paragraph (c) is terminable at will by the Client Plan, without penalty to the

Client Plan, upon receipt by the Bank of written notice of termination. A form expressly providing an election to terminate the authorization described in paragraph (c) with instructions on the use of the form must be supplied to the Second Fiduciary no less than annually. The instructions for such form must include the following information:

(1) The authorization is terminable at will by the Client Plan, without penalty to the Client Plan, upon receipt by the Bank of written notice from the Second Fiduciary; and

(2) Failure to return the form will result in continued authorization of the Bank to engage in the transactions described in paragraph (c) on behalf of the Client Plan;

(e) With respect to the Bank Plans, no fees will be charged by the Bank or any of its affiliates to the Bank Plans for serving as either a trustee, directed trustee, or investment manager of the Bank Plans;

(f) All dealings between the Plans and the Funds are on a basis no less favorable to the Plans than dealings with other shareholders of the Funds;

(g) The Bank maintains for a period of six years the records necessary to enable the persons described below in section (h) to determine whether the conditions of this exemption have been met, except that a prohibited transaction will not be considered to have occurred if, due to circumstances beyond the control of the Bank or its affiliates, the records are lost or destroyed prior to the end of the six-year period; and

(h)(1) Except as provided in paragraph (2) of this section (h) and notwithstanding any provisions of subsection (a)(2) and (b) of section 504 of the Act, the records referred to in section (g) are unconditionally available at their customary location for examination during normal business hours by—

(i) Any duly authorized employee or representative of the Department or the Internal Revenue Service,

(ii) Any fiduciary of the Plans who has authority to acquire or dispose of shares of the Funds owned by the Plans, or any duly authorized employee or representative of such fiduciary, and

(iii) Any participant or beneficiary of the Plans or duly authorized employee or representative of such participant or beneficiary;

(2) None of the persons described in section (h)(1)(ii) and (iii) shall be authorized to examine trade secrets of the Bank, any of its affiliates, or commercial or financial information which is privileged or confidential.

For a more complete statement of the facts and representations supporting the

Department's decision to grant this exemption, refer to the notice of proposed exemption published on May 8, 1992 at 57 FR 19945.

Written Comments: The Department received one written comment regarding the proposed exemption (the Proposal).

The commenter is a participant in the Bank Plans and the Old Kent Employees Medical Benefits Plan (the Bank Medical Plan). The commenter states that an officer of Old Kent Financial Corporation who performs certain administrative services for the Bank Plans and the Bank Medical Plan (the Bank Officer) has engaged in violations of the Act by wrongfully denying benefits to the commenter under the terms and conditions of the Bank Medical Plan. The commenter represents that the Bank Officer has also violated certain reporting and disclosure provisions of the Act relating to these medical benefit claims and questions the integrity and competence of the Bank Officer to administer the Bank Plans regarding the proposed transactions with the Funds and to provide the Bank Plan participants with timely and accurate disclosure of information as discussed in the Proposal.

By letters dated July 2 and 28, 1992, the Bank responded to the commenter. The Bank states that the Department's exemption application process is not an appropriate forum for the resolution of the issues raised by the commenter's medical benefit claims. In this regard, the Bank represents that a civil action filed by the commenter in Michigan state court involving these benefit claims has been removed by the Bank to federal court and will be resolved by the court. The Bank states that the Bank Officer will not be involved in any way with the transactions by either the Client Plans or the Bank Plans that are the subject of the Proposal. Specifically, the Bank states that the Bank Officer will not be involved in any of the functions which the Bank will perform for the Bank Plans under the conditions of the Proposal, including the decisions made by the Bank or its affiliates regarding investments by the Bank Plans in the Funds, the rebate of investment advisory fees by the Bank to the Bank Plans, and the posting of notices and the provision of prospectuses and other information to employees of the Bank and its affiliates that participate in the Bank Plans. The Bank represents further that despite the allegations made by the commenter, the Bank and its affiliates have met and will continue to meet all their fiduciary obligations to the Bank Plans and will fully comply with the

conditions of the Proposal relating to the Bank Plans as well as the Client Plans.

Since the Bank represents that the Bank Officer will not be involved with either the functions to be performed by the Bank under the Proposal or the transactions by either the Bank Plans or the Client Plans that are the subject of the Proposal, the Department does not believe it appropriate to delay granting the requested exemption. Accordingly, after consideration of the entire record, the Department has determined to grant the exemption.¹

FOR FURTHER INFORMATION CONTACT: Mr. E.F. Williams of the Department, telephone (202) 523-8883. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions to which the exemptions does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

¹ The Department expresses no opinion herein as to the court proceedings noted above and the commenter's allegations regarding fiduciary violations by the Bank Officer, or to the processing of the commenter's benefit claims and the Bank Medical Plan's reporting and disclosure obligations.

Signed at Washington, DC, this 21st day of August, 1992.

Ivan Strasfeld,

Director of Exemption Determinations,
Pension and Welfare Benefits Administration,
U.S. Department of Labor.

[FR Doc. 92-20486 Filed 8-26-92; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL ENDOWMENT FOR THE ARTS

Amended Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Challenge/Advancement Advisory Panel (Presenting and Commissioning Challenge Section) to the National Council on the Arts (published August 12, 1992, No. 57 FR 36112) originally scheduled to be held on September 2-3, 1992 from 9 a.m.-5:30 p.m. will be held on September 29-30, 1992 from 9 a.m.-5:30 p.m.

The portion of the notice which read "Portions of this meeting will be open to the public on September 2 from 9 a.m.-10 a.m. and September 3 from 5 p.m.-5:30 p.m." should read "Portions of this meeting will be open to the public on

September 29 from 9 a.m.-10 a.m. and September 30 from 5 p.m.-5:30 p.m."

The first part of the third paragraph which read "The remaining portions of this meeting on September 2 from 10 a.m.-5:30 p.m. and September 3 from 9 a.m.-5 p.m. are for the purpose of * * *" should read "The remaining portions of this meeting on September 29 from 10 a.m.-5:30 p.m. and September 30 from 9 a.m.-5 p.m. are for the purpose of * * *."

Further information in reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5439.

Dated: August 20, 1992.

Yvonne M. Sabine,

Director, Panel Operations, National
Endowment for the Arts.

[FR Doc. 92-20604 Filed 8-26-92; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Collection of Information Submitted for OMB Review

In accordance with the Paperwork Reduction Act and OMB Guidelines, the National Science Foundation is posting a notice of information collections, for

expedited clearance, that will affect the public. Interested persons are invited to submit comments by September 9, 1992. Comments may be submitted to:

(A) *Agency Clearance Officer*.
Herman G. Fleming, Division of
Personnel and Management, National
Science Foundation, Washington, DC
20550, or by telephone (202) 357-7335,
and to:

(B) *OMB Desk Officer*. Office of
Information and Regulatory Affairs.
ATTN: Dan Chenok, Desk Officer, OMB,
722 Jackson Place, room 3208, NEOB,
Washington, DC 20503.

Title: 1991 Survey of Doctorate
Recipients—Modified Questionnaire.

Affected Public: Individuals.

Respondents/Reporting Burden: No
change from previous submission: 19,750
respondents; 14 minutes per response.

Abstract: The data collected in this
survey enables NSF to partially fulfill
the requirement to serve as a
clearinghouse for information on the
scientific and technical population of the
U.S. That information allows for policy
and planning activities by officials of
government, private industry, and
academic institutions.

Dated: August 21, 1992.

Herman G. Fleming,
NSF Reports Clearance Officer.

BILLING CODE 7555-01-M

COMPARISON OF ORIGINAL 1991 SDR QUESTIONS WITH PROPOSED MODIFIED QUESTIONS

ORIGINAL QUESTION(S)

EMPLOYMENT PROFILE

1. During SEPTEMBER 1991, what was your employment status? (Please circle the number of your response below.)

- (CIRCLE ONE NUMBER)
- | | | |
|---|--|---------------------------------|
| 1 | Employed full-time | → Skip to Question 6 (Page 3) |
| 2 | Employed part-time | → Go to Question 2 |
| 3 | Postdoctoral appointment*—Full-time | → Skip to Question 6 (Page 3) |
| 4 | Postdoctoral appointment*—Part-time | → Go to Question 2 |
| 5 | Unemployed and seeking full-time or part-time employment | → Skip to Question 4 |
| 6 | Not employed and not seeking employment | → Skip to Question 5 |
| 7 | Retired and not employed | → Skip to Question 25a (Page 7) |
| 8 | Other, specify () | → Skip to Question 25a (Page 7) |

*Postdoctoral appointment is defined as a temporary appointment in academia, industry, or government, the primary purpose of which is to provide for continued education or experience in research.

REVISED QUESTION(S)

- A1. Were you working for pay or profit during the week of [DATE] 1992? This includes being self-employed or temporarily absent from a job (e.g., illness, vacation or parental leave), even if unpaid.

- 1 ☐ Yes → SKIP TO A8
2 ☐ No

- A2. Did you look for work at any time during the five weeks between [DATE] and [DATE] 1992?

- 1 ☐ Yes
2 ☐ No

- A8. Counting hours worked from any job held during the week of [DATE] 1992, were you working full-time or part-time that week?

- 1 ☐ Full-time (usually worked a total of 35 or more hours per week) → SKIP TO A11
2 ☐ Part-time (usually worked less than 35 hours per week)

- A15. Was this job a POSTDOCTORAL appointment, that is, a temporary appointment in academic, industry or government, primarily for providing continued education or experience in research?

- 1 ☐ Yes
2 ☐ No

ORIGINAL QUESTION(S) REVISED QUESTION(S)**2. IF YOU HELD A PART-TIME POSITION DURING SEPTEMBER 1991:**

A. Were you seeking a full-time position?
(CIRCLE ONE NUMBER)

- 1 Yes
2 No

B. How many part-time positions did you hold in September 1991?
(ENTER NUMBER IN BOX)

Positions

C. On average, how many hours per week did you work in September 1991?
(ENTER NUMBER IN BOX)

Hours

3. What was your MOST important reason for holding a part-time position during September 1991?
(CIRCLE ONLY ONE NUMBER)

- 1 Part-time position preferred
2 Full-time position not available
3 Family responsibilities
4 Other, specify _____

NOW, PLEASE SKIP TO QUESTION 6 (PAGE 3)

A9. Were you seeking full-time work during the week of [DATE] 1992?

- 1 ☐ Yes
2 ☐ No

A37. During the week of [DATE] 1992, did you hold more than one job? (This includes consulting work)

- 1 ☐ Yes
2 ☐ No → SKIP TO PART B

A28a. On approximately how many hours of work per week was your annual salary in A28 based?

Hours Per Week

A10. What was your MOST important reason for holding a part-time position during the week of [DATE] 1992?

MARK ONE

- 1 ☐ Full-time position not available
2 ☐ Worked part-time to accommodate spouse/partner's job or career
3 ☐ Worked part-time for other family-related reasons
4 ☐ Worked part-time for other reason (Specify: _____)

ORIGINAL QUESTION(S) REVISED QUESTION(S)

4. If you were unemployed but seeking employment during September 1991, which of the following factors MOST restricted your job search.
(CIRCLE ONLY ONE NUMBER)

- 1 Geographic location
- 2 Family responsibilities
- 3 Need for part-time employment
- 4 Other, specify _____
- 5 No restrictions

NOW, PLEASE SKIP TO QUESTION 16 (PAGE 6)

- 5 If you were not employed and not seeking work during September 1991, what was your MOST important reason for not seeking work?
(CIRCLE ONLY ONE NUMBER)

- 1 Temporarily absent for health or personal reasons
- 2 Family responsibilities
- 3 Suitable job not available
- 4 Other, specify _____

NOW, PLEASE SKIP TO QUESTION 16 (PAGE 6)

- A3. What was your MAIN reason for not working during the week of April 12, 1992]:

MARK ONE

- 01 ☐ Retired → SKIP TO A5
- 02 ☐ On layoff from a job
- 03 ☐ My work is seasonal
- 04 ☐ Student
- 05 ☐ Family responsibilities
- 06 ☐ Chronic illness or permanent disability
- 07 ☐ Could not find work or believed no suitable jobs available in my field
- 08 ☐ Waiting for new job to begin within 30 days
- 09 ☐ Waiting for school to begin
- 10 ☐ Did not need or want to work
- 11 ☐ Other (Specify: _____)

ORIGINAL QUESTION(S) REVISED QUESTION(S)

6. Please write the name of your principal employer (company, organization, postdoctoral institution, etc.) and actual place of employment during SEPTEMBER 1991.

(IF YOU WERE SELF-EMPLOYED, WRITE "SELF")

Name of employer

City County

State or Foreign Country ZIP

7. Which category best describes the type of your principal employment OR postdoctoral appointment during SEPTEMBER 1991? (CIRCLE ONLY ONE)

- 00 Self-employed ☐ → Go to Q. 8
01 Business or industry ☐
02 Junior college, 2-year college, technical institute
03 Medical school (including university affiliated hospital or medical center)
04 4-year college
05 University, other than medical school
06 Elementary, middle, or secondary school system
07 Private foundation
08 Hospital or clinic
09 U.S. military service, active duty, or Commissioned Corps, e.g., USPHS, NOAA
10 U.S. government, civilian employee
11 State government
12 Local or other government, specify _____
13 Nonprofit organization, other than those listed above
14 Other, specify _____

Skip to
Q. 9
(Page 4)

- A13. For whom did you work during the week of April 12, 1992? (If you had more than one job that week: Please answer for the job you considered your principal employment)

Employer Name: _____

Street: _____

City/Town: _____

State/Foreign Country: _____

Zip Code: |_|_|_|_|_|_|_|_|_|_|

☐ MARK (X) HERE IF YOU WERE SELF-EMPLOYED

- A16. Was your employer an educational institution?

- 1 ☐ Yes
2 ☐ No → SKIP TO A18

- A17. Was the educational institution...

MARK ONE

- 1 ☐ An elementary, middle, or secondary school system
2 ☐ A 2-year college, junior college, technical institute
3 ☐ A 4-year college or university, other than a medical school
4 ☐ A medical school (including university affiliated hospital or medical center)
5 ☐ A university-affiliated research institute
6 ☐ Other (Specify: _____)

ORIGINAL QUESTION(S) REVISED QUESTION(S)

(cont'd #7)

(cont'd #7)

A18. IF NOT EDUCATIONAL INSTITUTION: Was your employer...

MARK ONE

- 01 ☐ A Private for Profit company, business or individual, working for wages, salary or commissions
- 02 ☐ A Private Not-for-Profit, tax-exempt, or charitable organization
- 03 ☐ Self-Employed in own NOT INCORPORATED business, professional practice, or farm
- 04 ☐ Self-Employed in own INCORPORATED business, professional practice, or farm
- 05 ☐ Local government (city, county, etc.)
- 06 ☐ State government
- 07 ☐ U.S. military service, active duty or Commissioned Corps (e.g., USPHS, NOAA)
- 08 ☐ U.S. government, civilian employee
- 09 ☐ Other government (*Specify:* _____)
- 10 ☐ Working without pay in family business or farm

ORIGINAL QUESTION(S) REVISED QUESTION(S)

8. IF YOU ANSWERED CODE 01 OR 00 TO QUESTION 7 (EMPLOYED IN BUSINESS/INDUSTRY OR SELF-EMPLOYED):

From the Business/Industry Classification List in the next column, how would you classify the organization you wrote in question 6?

If your organization conducts its activities at different locations, enter the code for the activity conducted at the location where you were employed.

Business/Industry Classification Code
(See next column for listing)

9. From the Employment Specialties List on page 5, select and enter both the number and the title of the employment field most closely related to your principal employment or postdoctoral appointment during SEPTEMBER 1991. Write in your employment field if it is not on the list.

Number

Employment Field
(See page 5 for listing)

NO REVISED QUESTION

- A19a. Write the occupation that BEST describes the kind of work you were doing on this job.

- A19b. Please turn to Page 13 for List A: OCCUPATION CODES and pick the occupation code that BEST describes your job as recorded in A19a.

|_|_|_| CODE

ORIGINAL QUESTION(S) REVISED QUESTION(S)

10. IF YOU ANSWERED CODES 800-938 TO QUESTION 9 (EMPLOYED IN A HUMANITIES, EDUCATION, PROFESSIONAL, OR OTHER FIELD):

What was the MOST important reason for your decision to take a position in a field other than science/engineering? (CIRCLE ONLY ONE)

- 1 Better pay
- 2 More attractive career options
- 3 Preferred specific geographic location
- 4 Constraints due to family status
- 5 Position in Ph.D. field not available
- 6 Change in career/professional interests
- 7 Other, specify _____

- A20. To what extent was your work on this job related to your first doctoral degree awarded in the U.S.?

MARK ONE

- 1 ☐ Closely related → SKIP TO A23
 2 ☐ Somewhat related → SKIP TO A23
 3 ☐ Not related

- A21. Did these factors influence your decision to work in an area outside the field of your first U.S. doctoral degree?

MARK YES OR NO FOR EACH

- | | <u>YES</u> | <u>NO</u> |
|---|----------------------------|----------------------------|
| a. Job in highest degree field not available | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> |
| b. Took only job available | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> |
| c. More attractive career options outside highest degree field | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> |
| d. Had a change in career or professional interests | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> |
| e. Pay better outside highest degree field | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> |
| f. Preferred job in a particular location | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> |
| g. Spouse's/partner's job or career | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> |
| h. Other family-related responsibilities or reasons | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> |
| i. Promoted out of position in highest degree field | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> |
| j. Other reason (Specify: _____) | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> |

- A22. Which factor in A21 represents your MOST important reason for working in an area outside the field of your first U.S. doctoral degree?

1 _____ ENTER LETTER OF MOST
IMPORTANT REASON FROM A21

ORIGINAL QUESTION(S) REVISED QUESTION(S)

11. IF YOU WERE EMPLOYED BY AN INSTITUTION OF HIGHER EDUCATION (THAT IS, YOU CIRCLED CODES 02-05 TO QUESTION 7):

A. What was your faculty rank?
(CIRCLE ONLY ONE)

- 1 Professor
- 2 Associate professor
- 3 Assistant professor
- 4 Instructor
- 5 Lecturer
- 6 Adjunct faculty
- 7 Other, specify _____
- 8 Does not apply

B. What was your tenure status?
(CIRCLE ONLY ONE)

- 1 Tenured, in 19
- 2 Not tenured, in tenure track
- 3 Not tenured, not in tenure track
- 4 Tenure not applicable

9. What was your tenure status?
(CIRCLE ONE NUMBER)

1. Tenured
2. Not applicable: no tenure system at this institution
3. Not applicable: no tenure system for my faculty status
4. On tenure track but not tenured
5. Not on tenure track

10. What was the duration of your contract or appointment at this institution?

1. One academic term
2. One academic/calendar years
3. Two or more academic/calendar years
4. Unspecified duration
5. Other (WRITE IN) _____

11. Which of the following best describes your faculty rank?
(CIRCLE ONE NUMBER)

1. Not applicable: no ranks designated for this position
2. Professor
3. Associate Professor
4. Assistant Professor
5. Instructor
6. Lecturer
7. Adjunct Faculty
8. Other (WRITE IN) _____

ORIGINAL QUESTION(S) REVISED QUESTION(S)

12. From the activities listed below, select your primary and secondary work activities for your principal job (as reported in question 6), in terms of time devoted during a typical week.

ENTER THE APPROPRIATE CODE (01-16) FOR EACH IN THE BOXES PROVIDED.

☐ Primary activity

☐ Secondary activity

- 01 Teaching
- 02 Basic research (i.e., study directed toward gaining scientific knowledge primarily for its own sake)
- 03 Applied research (i.e., study directed toward gaining scientific knowledge in an effort to meet a recognized need)
- 04 Development of equipment, products, systems
- 05 Design of equipment, processes, models
- 06 Management/administration of R&D
- 07 Management/administration of educational/other programs
- 08 Report and technical writing, editing
- 09 Professional service to individuals, clinical diagnosis, psychotherapy
- 10 Consulting
- 11 Operations-production, maintenance, construction, installation
- 12 Quality control, testing, evaluation
- 13 Sales, marketing, purchasing, customer and public relations
- 14 Statistical work-survey work, forecasting, statistical analysis
- 15 Computer applications
- 16 Other, specify _____

- A23. Did you routinely perform these activities as part of this job?

MARK YES OR NO FOR EACH

- | | YES | NO |
|--|----------------------------|----------------------------|
| a. Accounting, finance, contracts | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> |
| b. Applied research - study directed toward gaining scientific knowledge to meet a recognized need | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> |
| c. Basic research - study directed toward gaining scientific knowledge primarily for its own sake | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> |
| d. Clerical or administrative support--typing, filing, data entry, etc. | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> |
| e. Computer applications, programming, systems development | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> |
| f. Development - using knowledge gained from research for the production of materials, devices | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> |
| g. Design of equipment, processes, structures, models | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> |
| h. Employee relations - including recruiting, personnel development, training | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> |
| i. Maintenance and repairs | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> |
| j. Management and administration | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> |
| k. Operations/production (e.g., truck driver, machinist) | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> |
| l. Professional services to individuals or organizations (health care, financial services, legal services, etc.) | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> |
| m. Purchasing | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> |
| n. Public relations, advertising | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> |
| o. Sales, customer service, marketing | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> |
| p. Quality or productivity management | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> |
| q. Teaching | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> |
| r. OTHER (Specify: _____) | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> |

- A24. On which TWO activities in A23, did you work the MOST hours during a typical week on this job?
ENTER LETTER OF APPROPRIATE ACTIVITY FROM A23

1 ☐ PRIMARY work activity

2 ☐ SECONDARY work activity
(If none: Enter (X))

ORIGINAL QUESTION(S) REVISED QUESTION(S)

13. During a typical week, what percentage of your professional work time did you devote to the items listed in question 12?

ENTRIES SHOULD TOTAL 100%

PERCENT OF TIME

_____ % Primary work activity

_____ % Secondary work activity

_____ % Other work activities

100% = TOTAL

PLEASE CONTINUE ON PAGE 6

14. What was the basic annual salary associated with your principal employment during SEPTEMBER 1991? By basic salary we mean your annual salary before deduction for income tax, social security, retirement, etc., but do not include bonuses, overtime, summer teaching, or other payment for professional work.

If you were on a postdoctoral appointment (see question 1 for definition), what was your stipend plus allowances?

\$ _____ .00 Basic Annual Salary

15. Circle whether this salary was for:

1 9-10 months

2 11-12 months

16. Since receiving your doctorate, how many full-time equivalent (FTE) years of professional work experience have you had?

| | |
|--|--|
| | |
|--|--|

Year(s)

NO REVISED QUESTION

- A28. What was your ANNUAL salary (or postdoctoral stipend) BEFORE deductions on this principal job during the week of April 12, 1992? [Do NOT include bonuses, overtime, or additional compensation for summertime teaching or research]

If you did not receive a salary: Please estimate your annual earned income, excluding business expenses.

\$ _____
ANNUAL SALARY DURING WEEK OF April 12, 1992

- A29. Was your annual salary in A28 based on...

MARK ONE

1 ☐ A less than 9 month work schedule?

2 ☐ A 9 or 10 month work schedule?

3 ☐ An 11 or 12 month work schedule?

- B8. How many years of professional work experience have you had since receiving your doctorate?

YEARS: | _ | _ |

☐ NONE OR LESS THAN ONE YEAR

ORIGINAL QUESTION(S) REVISED QUESTION(S)

17a. Was any of the work in which you were engaged during the past year supported or sponsored by U.S. Government funds?

- 1 Yes
 2 No —————→ Skip to Question 18a
 3 Don't know —————→ Skip to Question 18a

17b. If YES, which of these agencies or departments were supporting your work? (CIRCLE ALL THAT APPLY)

- 01 AID (Agency for International Development)
 02 Department of Agriculture
 03 Department of Commerce
 04 Department of Defense
 05 Department of Energy
 06 Department of Education
 07 National Institutes of Health (DHHS)
 08 Other DHHS
 09 Department of Housing and Urban Development
 10 Department of the Interior
 11 Department of Justice
 12 Department of Labor
 13 Department of Transportation
 14 EPA (Environmental Protection Agency)
 15 NASA (National Aeronautics and Space Administration)
 16 NSF (National Science Foundation)
 17 Nuclear Regulatory Commission
 18 Other, specify _____
 19 Don't know source agency

A30. Was any of your work on this job supported by contracts or grants from the U.S. government during the week of April 12, 1992? FEDERAL EMPLOYEES PLEASE ANSWER "NO".

MARK ONE

- 1 ☐ Yes
 2 ☐ No —————→ SKIP TO A32
 3 ☐ Don't Know

A31. Which of the following federal agencies or departments were supporting your work?

MARK ALL THAT APPLY

- 01 ☐ Agency for International Development (AID)
 02 ☐ Agriculture Department
 03 ☐ Commerce Department
 04 ☐ Defense Department (DOD)
 05 ☐ Education Department (include NIE, NCES)
 06 ☐ Energy Department (DOE)
 07 ☐ Environmental Protection Agency (EPA)
 08 ☐ Health and Human Services Department (excluding NIH)
 09 ☐ Housing and Urban Development Department (HUD)
 10 ☐ Interior Department
 11 ☐ Justice Department
 12 ☐ Labor Department
 13 ☐ National Aeronautics and Space Administration (NASA)
 14 ☐ National Institutes of Health (NIH)
 15 ☐ National Science Foundation (NSF)
 16 ☐ Nuclear Regulatory Commission (NRC)
 17 ☐ State Department
 18 ☐ Transportation Department (DOT)
 19 ☐ Veterans Administration
 20 ☐ OTHER (Specify: _____)
 21 ☐ DON'T KNOW SOURCE AGENCY

ORIGINAL QUESTION(S) REVISED QUESTION(S)

18a. Since you received your doctorate, have you ever spent three months or more conducting research in a country other than the United States?

1 Yes —————> Skip to Question 19

2 No

18b. If NO, from the list below, select the primary and secondary factors that would encourage you to conduct research in a country other than the United States.

(ENTER NUMBER IN THE BOXES PROVIDED)

☐ Primary factor ☐ Secondary factor

- 1 Better sabbatical leave policy
- 2 More financial support
- 3 Better foreign language training opportunities
- 4 Greater access to information on foreign research opportunities (e.g. funding sources, research activities)
- 5 Other, specify _____
- 6 I would not consider conducting research outside the United States at this time.

NO REVISED QUESTION

B6. Would you ever consider conducting research in a country other than the United States?

MARK ONE

1 ☐ Yes

2 ☐ No, my work does not lend itself to conducting research in or outside the United States

3 ☐ No, not interested in conducting research outside the U.S.

→ SKIP TO B:

B7. How much would the following changes increase, if at all, your interest in conducting research outside the U.S.?

MARK ONE FOR EACH

| | A | | |
|--|----------------------------|----------------------------|----------------------------|
| | Great Deal | Some-what | Not At All |
| a. Better financial support? | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> |
| b. Better foreign language training opportunities? .. | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> |
| c. Better access to information on foreign research opportunities (e.g., funding sources, research opportunities) .. | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> |
| d. Better sabbatical leave policy? | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> |
| e. Other (Specify: _____) | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> |

ORIGINAL QUESTION(S) REVISED QUESTION(S)

19. From this list of selected areas of national interest, indicate the ONE area to which you devoted the MOST professional time during a typical week at the job reported in question 6.
(CIRCLE ONLY ONE)

- 01 Energy and fuel
- 02 Health
- 03 Environment
- 04 Education
- 05 National defense
- 06 Food or Agriculture
- 07 Biotechnology
- 08 Mineral resources
- 09 Housing (planning, design, construction)
- 11 Transportation
- 12 Communications
- 13 Space
- 14 Other, specify _____

20. What percent of your professional time did you devote to the area listed in question 19 during a typical week?

_____ Percent

- A32. From the list of selected areas below, indicate the ONE area, if any, to which you devoted the MOST hours during a typical week on this job.

MARK ONE

- 01 ☐ Energy/Fuel
- 02 ☐ Environment
- 03 ☐ Health/Safety
- 04 ☐ National Defense
- 05 ☐ NONE OF THE ABOVE

→ SKIP TO A35

NO REVISED QUESTION

ORIGINAL QUESTION(S) REVISED QUESTION(S)

21. PLEASE READ BEFORE CONTINUING:

If you answered code 01 to question 19 (energy and fuel), please answer questions 22-24. Otherwise, please skip to question 25a.

22. From the list below, circle the ONE energy source that involved the LARGEST proportion of your energy-related work during SEPTEMBER 1991. (CIRCLE ONLY ONE)

- 1 Coal and coal products
- 2 Petroleum (including oil shale and tar sands) or natural gas
- 3 Fission
- 4 Fusion
- 5 Hydroenergy
- 6 Direct solar (including space and water heating, thermal, electric)
- 7 Indirect solar (winds, tides, biomass, etc.)
- 8 Geothermal
- 9 Other, specify _____

23. Please read the following list of energy-related activities and mark the activity(ies) in which you were engaged during SEPTEMBER 1991. (CIRCLE ALL THAT APPLY)

- 01 Exploration
- 02 Extraction (gas, oil, mining)
- 03 Manufacture of energy-related components or products
- 04 Fuel processing (including refining and enriching)
- 05 Electric power generation
- 06 Transportation, transmission, distribution of fuel or energy
- 07 Energy storage
- 08 Energy utilization, management
- 09 Fuel reprocessing or disposal
- 10 Energy conservation
- 11 Environmental impact (health, economic, etc.)
- 12 Education, training
- 13 Research and development
- 14 Other, specify _____

24. Please enter the number (01-14) from question 23 that BEST describes the activity in which you spent MOST of your energy-related time.

Number

- A33. From the list below, check the ONE ENERGY SOURCE that involved the largest proportion of your energy-related work during the past year.

MARK ONE

- 01 ☐ Coal
- 02 ☐ Petroleum and natural gas
- 03 ☐ Nuclear fission
- 04 ☐ Nuclear fusion
- 05 ☐ Hydroenergy
- 06 ☐ Other Renewables (such as solar, biomass, wind, geothermal)
- 07 ☐ Other energy source (Specify: _____)

- A34. From the list below, check the ONE ENERGY-RELATED ACTIVITY that involved the largest proportion of your energy-related work during the past year.

MARK ONE

- 01 ☐ Exploration and extraction
- 02 ☐ Manufacture of energy-related equipment
- 03 ☐ Fuel processing (include refining and enriching)
- 04 ☐ Electric power generation and transmission
- 05 ☐ Transportation and distribution of fuel
- 06 ☐ Waste management or decommissioning
- 07 ☐ Conservation, utilization, management, or storage of energy/fuel
- 08 ☐ Environment, health, and safety
- 09 ☐ Other energy-related activity, (Specify: _____)

ORIGINAL QUESTION(S) REVISED QUESTION(S)

GENERAL INFORMATION

25a. What is your citizenship status?
(CIRCLE ONLY ONE)

- 1 U.S. Native Born ☐ → Skip to Question 26
2 U.S. Naturalized ☐
3 Non-U.S. Immigrant (Permanent Resident)
4 Non-U.S. Non-Immigrant (Temporary Resident)
5 Non-U.S. with no U.S. residency or citizenship

25b. If NON-U.S., of which country are you a citizen?

26. What is your racial background?
(CIRCLE ONLY ONE)

- 1 American Indian or Alaskan Native
2 Asian or Pacific Islander
3 Black
4 White

C16. As of April 12, 1992 were you a:

MARK ONE

U.S. Citizen

- 1 ☐ Native Born → SKIP TO C19 (PAGE 11)
2 ☐ Naturalized → SKIP TO C18

Non-U.S. Citizen

- 3 ☐ With a Permanent U.S. Resident Visa
4 ☐ With a Temporary U.S. Resident Visa
5 ☐ Living outside the United States

C17. IF NON-U.S. CITIZEN: Of which country are you a citizen?

COUNTRY: _____

OFFICE USE: ! _ ! _ ! _

C14. Are you:

MARK ONE

- 1 ☐ White
2 ☐ Black/African American
3 ☐ Asian or Pacific Islander
4 ☐ American Indian, Eskimo, Aleut
5 ☐ Other (Specify: _____)

ORIGINAL QUESTION(S) REVISED QUESTION(S)

27a. Is your ethnic heritage Hispanic?

- 1 Yes
2 No → Skip to Question 28

→ 27b If YES, Is It: (CIRCLE ONLY ONE)

- 1 Mexican American
2 Puerto Rican
3 Other Hispanic

C12. Are you of Spanish/Hispanic origin or descent?

- 1 ☐ Yes
2 ☐ No → SKIP TO C14

C13. Which of the following categories BEST describes your Spanish/Hispanic descent? (If more than one category applies, please select the one you consider the most important part of your background)

MARK ONE

- 1 ☐ Mexican, Mexican-American, Chicano
2 ☐ Puerto Rican
3 ☐ Cuban
4 ☐ Other Spanish/Hispanic (Specify: _____)

28. What is your marital status? (CIRCLE ONLY ONE)

- 1 Never Married
2 Married
3 Separated, Divorced
4 Widowed

C21. As of April 12, 1992 were you:

MARK ONE

- 1 ☐ Married
2 ☐ Widowed
3 ☐ Separated
4 ☐ Divorced
5 ☐ Never Married
- SKIP TO C25

29. How many children do you have living with you in each of the following age categories:
(ENTER NUMBER, IF NONE, WRITE "0".)

Number

Under 6 years of age

Number

Between 6 to 17 years of age

C25. As of April 12, 1992, how many children did you have living with you in each of the following age categories? IF NONE: ENTER ZERO

NUMBER

: ____ : Under the age of 6

: ____ : Aged 6-17

: ____ : 18 or older

ORIGINAL QUESTION(S)

30. What is the usual degree of difficulty you have with seeing words or letters in ordinary newsprint (while wearing glasses or contact lenses if you usually wear them)? (CIRCLE ONLY ONE)

1 No Difficulty
2 Slight Difficulty
3 Moderate Difficulty
4 Severe Difficulty
5 Unable to do

31. What is the usual degree of difficulty you have with hearing what is normally said in a conversation with another person (while wearing a hearing aid if you usually wear one)? (CIRCLE ONLY ONE)

1 No Difficulty
2 Slight Difficulty
3 Moderate Difficulty
4 Severe Difficulty
5 Unable to do

32. What is the usual degree of difficulty you have with walking without assistance (human or mechanical) or using stairs? (CIRCLE ONLY ONE)

1 No Difficulty
2 Slight Difficulty
3 Moderate Difficulty
4 Severe Difficulty
5 Unable to do

33. What is the usual degree of difficulty you have with lifting and carrying something as heavy as 10 pounds, such as a bag of groceries? (CIRCLE ONLY ONE)

1 No Difficulty
2 Slight Difficulty
3 Moderate Difficulty
4 Severe Difficulty
5 Unable to do

REVISED QUESTION(S)

- C19. What is the usual degree of difficulty you have with...

MARK ONE FOR EACH

| | <u>None</u> | <u>Slight</u> | <u>Moderate</u> | <u>Severe</u> | <u>Unable to Do</u> |
|---|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|
| a. <u>Seeing</u> words or letters in ordinary newsprint (with glasses/contact lenses if you usually wear them) | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/> | 5 <input type="checkbox"/> |
| b. <u>Hearing</u> what is normally said in conversation with another person (with hearing aid, if you usually wear one) | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/> | 5 <input type="checkbox"/> |
| c. <u>Walking</u> without assistance (human or mechanical) or using stairs | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/> | 5 <input type="checkbox"/> |
| d. <u>Lifting</u> or carrying something as heavy as 10 pounds, such as a bag of groceries | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/> | 5 <input type="checkbox"/> |

- C20. ☐ MARK (X) HERE IF YOU ANSWERED "NONE" TO ALL ACTIVITIES IN C19 -- THEN SKIP TO C21

What is the earliest age at which you first began experiencing difficulties in any of these areas?

AGE: OR ☐ SINCE BIRTH

ORIGINAL QUESTION(S)

34. In the event it is necessary to contact you to clarify some of the information you provided, what is the telephone number at which you can be reached?

Daytime: _____
(Area code) (Number)

Evenings: _____
(Area code) (Number)

REVISED QUESTION(S)

- C27.** In case we need to clarify some of the information you have provided, please list a phone number where you can be reached.

| Area Code | Number |
|-----------|--------|
|-----------|--------|

☐ ☐ ☒ ☐ ☐ - ☐ ☐ ☐ ☐ ☐ Daytime

| Area Code | Number |
|-----------|--------|
|-----------|--------|

Evenings

ORIGINAL QUESTION(S)

35. Because of recent and continuing changes in domestic and world employment markets, policymakers are interested about employment opportunities and career paths of the doctoral population.

Consequently, we may be recontacting you in 1993. In case we cannot locate you then, please provide the name, address, and telephone number of a person who is likely to know where you can be reached. **DO NOT INCLUDE SOMEONE WHO LIVES IN YOUR HOUSEHOLD.**

Name

Number and street

City or town

State or foreign country Zip code

(Area code) (Number)

THANK YOU FOR YOUR PARTICIPATION. PLEASE RETURN THE COMPLETED QUESTIONNAIRE IN THE ENCLOSED POSTAGE PAID ENVELOPE TO THE:

NATIONAL RESEARCH COUNCIL
ROOM GR 415
2101 CONSTITUTION AVENUE, N.W.
WASHINGTON, D.C. 20418

REVISED QUESTION(S)

- C28. Since policymakers are interested in how education and employment change over time, we may be recontacting you again in 1995. To help us find you, please provide the name, address, and telephone number of two people who are likely to know where you can be reached. **DO NOT INCLUDE SOMEONE WHO LIVES IN YOUR HOUSEHOLD**

- As with all the information provided in this questionnaire, complete confidentiality will be provided. These people will only be contacted if we cannot find you in 1995.

Name

Number and Street

City/Town State Zip Code

Area Code Number

Name

Number and Street

City/Town State Zip Code

Area Code Number

Permit Issued Under the Antarctic Conservation Act of 1978**AGENCY:** National Science Foundation.**ACTION:** Notice of permit issued under the Antarctic Conservation Act of 1978, Public Law 95-541.**SUMMARY:** The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.**FOR FURTHER INFORMATION CONTACT:** Thomas F. Forhan, Permit Office, Division of Polar Programs, National Science Foundation, Washington, DC 20550.**SUPPLEMENTARY INFORMATION:** On March 13, 1992, the National Science Foundation published a notice in the *Federal Register* of permit applications received. A permit was issued to Gerald L. Kooyman on August 18, 1992.Thomas F. Forhan,
Permit Office, Division of Polar Programs.
[FR Doc. 92-20497 Filed 8-26-92; 8:45 am]
BILLING CODE 7555-01-M**Permit Issued Under the Antarctic Conservation Act of 1978****AGENCY:** National Science Foundation.**ACTION:** Notice of permit issued under the Antarctic Conservation Act of 1978, Public Law 95-541.**SUMMARY:** The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.**FOR FURTHER INFORMATION CONTACT:** Thomas F. Forhan, Permit Office, Division of Polar Programs, National Science Foundation, Washington, DC 20550.**SUPPLEMENTARY INFORMATION:** On July 16, 1992, the National Science Foundation published a notice in the *Federal Register* of permit applications received. A permit was issued to G.A. McFeters on August 18, 1992.Thomas F. Forhan,
Permit Office, Division of Polar Programs.
[FR Doc. 92-20498 Filed 8-26-92; 8:45 am]
BILLING CODE 7555-01-M**Permit Issued Under the Antarctic Conservation Act of 1978****AGENCY:** National Science Foundation.**ACTION:** Notice of permit issued under the Antarctic Conservation Act of 1978, Public Law 95-541.**SUMMARY:** The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.**FOR FURTHER INFORMATION CONTACT:** Thomas F. Forhan, Permit Office, Division of Polar Programs, National Science Foundation, Washington, DC 20550.**SUPPLEMENTARY INFORMATION:** On March 5, 1992, the National Science Foundation published a notice in the *Federal Register* of permit applications received. A permit was issued to Warren M. Zapol on August 18, 1992.
Thomas F. Forhan,
Permit Office, Division of Polar Programs.
[FR Doc. 92-20499 Filed 8-26-92; 8:45 am]
BILLING CODE 7555-01-M**Permit Application Received Under the Antarctic Conservation Act of 1978****AGENCY:** National Science Foundation.**ACTION:** Notice of permit application received under the Antarctic Conservation Act of 1978, Public Law 95-541.**SUMMARY:** The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at title 45 part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.**DATES:** Interested parties are invited to submit written data, comments, or views with respect to this permit application by September 24, 1992. Permit applications may be inspected by interested parties at the Permit Office, address below.**ADDRESSES:** Comments should be addressed to Permit Office, room 627, Division of Polar Programs, National Science Foundation, Washington, DC 20550.**FOR FURTHER INFORMATION CONTACT:** Thomas F. Forhan at the above address or (202) 357-7817.**SUPPLEMENTARY INFORMATION:** The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95-541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in

Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designated Specially Protected Areas and Sites of Special Scientific Interest.

The applications received are as follows:

1. Applicant

Wayne Z. Trivelpiece, Old Dominion University, P.O. Box 955, Bolinas, CA 94924.

Activity for Which Permit Requested

Taking. Import into the U.S.A. Enter Site of Special Scientific Interest. The applicant is continuing a long-term study of the behavioral ecology and population biology of the Adelie, Gentoo, and Chinstrap penguins as well as their principal avian competitors. The request is to band from 500 to 2000 penguins of each species to meet research goals. The applicant also requests to attach radio transmitters and time depth recorders to a maximum of 50 adult penguins of each species. All birds are released unharmed after capture. The research area is within the borders of a Site of Special Scientific Interest, and permitted entry to this area is also requested. The applicant also requests approval to import skeletons and other materials salvaged from dead antarctic penguins and antarctic flying birds to the U.S. for educational and scientific study.

Location

South Shetland Islands, Antarctica

Dates

10/1/92-4/1/93

2. Applicant

Arthur L. DeVries, Physiology Department, University of Illinois, 407 South Goodwin, Urbana, IL 61801.

Activity for Which Permit Requested

Introduction of Non-Indigenous Species into Antarctica. Specimens of the New Zealand black cod (Family Nototheniidae) will be cold acclimated in a closed seawater system in the aquarium at McMurdo Station. The cold acclimated specimens will be used in experiments to determine the role of the antifreeze glycopeptides in freezing avoidance and for isolating DNA. Upon completion of the experiments the black cod will be sacrificed and preserved in formalin.

Location

McMurdo Station, Antarctica and surrounding region

Dates

10/1/1992-2/27/1993

3. Applicant

Arthur L. DeVries, Physiology
Department, University of Illinois, 407
South Goodwin, Urbana, IL 61801.

Activity for Which Permit Requested

Introduction of Non-Indigenous Species into Antarctica. Fifteen specimens of adult male and female wetas, *Hemideina maori* (flightless insects) will be transported from New Zealand to the Crary Science and Engineering Center at McMurdo Station Antarctica. The wetas are a freeze tolerant insect which will be used in experiments to determine if small amounts of fish antifreeze glycopeptides can enhance freezing tolerance. The insects will be kept inside a controlled temperature walk-in freezer laboratory during the experiments, and then will be returned to New Zealand.

Location

McMurdo Station, Antarctica

Dates

10/1/1992-2/15/1993

4. Applicant

Bill J. Baker, Department of Chemistry,
Florida Institute of Technology, 150
W. University Blvd, Melbourne, FL
32901.

Activity for Which Permit Requested

Introduction of non-indigenous species into Antarctica. The applicant requests a permit to bring samples of four non-pathogenic microorganisms to McMurdo: *Escherichia coli*, *Bacillus subtilis*, *Saccharomyces cerevisiae*, and *Aspergillus niger*. The samples will be used to perform antimicrobial assays on extracts from marine invertebrates. Microorganisms will be handled using sterile techniques and will be disposed of by sterilization at the conclusion of the study.

Location

McMurdo Station, Antarctica

Date

10/1/92-2/28/93

5. Applicant

Joesph F. Ustach, Duke University
Marine Laboratory, Beaufort, NC
28516.

Activity for Which Permit Requested

Taking. Import into U.S.A.
Introduction of non-indigenous species. Benthic protozoans will be taken by box coring samples to make feeding estimates. Fluorescent labeled bacteria will be brought to Antarctica to serve as feeding material for the protozoans. After allowing the protozoans to feed, they are fixed with formalin, and returned to the U.S. for staining and microscopic counting.

Location

Bellinghausen Sea, Germalche Strait,
Antarctica

Date

11/2/92-11/23/92

Thomas F. Forhan,
Permit Office, Division of Polar Programs.
[FR Doc. 92-20501 Filed 8-28-92; 8:45 am]
BILLING CODE 7555-01-M

Special Emphasis Panel in Chemistry; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting.

Date and Time: September 17-18, 1992; 8 a.m. to 6 p.m.

Place: Marvel Hall D, American Chemical Society, 1155 16th Street NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Dr. Henry Blount, Program Manager, rm. 340, National Science Foundation, 1800 G Street NW., Washington, DC 20550. Telephone: (202) 357-7960.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Small Business Innovation Research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: August 24, 1992.

M. Rebecca Winkler,
Committee Management Officer.
[FR Doc. 92-20610 Filed 8-26-92; 8:45 am]
BILLING CODE 7555-01-M

Advisory Committee for Education and Human Resources; Committee of Visitors; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463,

as amended), the National Science Foundation announces the following meeting.

Date and Time: September 24, 1992; 8 a.m. to 4 p.m.

Place: Room 523, 1800 G St. NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Dr. Susan W. Doby, Program Director, Graduate Education and Research Development, rm. 1202, National Science Foundation, Washington, DC 20550. Telephone: (202) 357-7856.

Purpose of Meeting: To provide oversight review of the Graduate Research Fellowship Program.

Agenda: To carry out Committee of Visitors (COV) review, including examination of decisions on applications, reviewer comments, and other privileged materials.

Reason for Closing: These meetings are closed to the public because the Committee will be reviewing proposal actions that will include privileged intellectual property and personal information that could harm individuals if they were disclosed. If discussions were open to the public, these matters that are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act would improperly be disclosed.

Dated: August 24, 1992.

M. Rebecca Winkler,
Committee Management Officer.
[FR Doc. 92-20606 Filed 8-26-92; 8:45 am]
BILLING CODE 7555-01-M

Special Emphasis Panel in Elementary, Secondary and Informal Science Education; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation (NSF) announces the following meeting.

Date and Time: September 14, 1992; 2 p.m. to 5 p.m.; September 15, 1992; 8:30 a.m. to 5 p.m.

Place: Rooms 500 B and C, 1110 Vermont Avenue NW., Washington, DC

Contact Person: Dr. Sara Nerlove, Program Manager, Industrial Innovation Interface, rm. V502, National Science Foundation, 1800 G Street NW., Washington, DC 20550. Telephone: (202) 653-5335.

Type of Meeting: Closed.

Purpose of Meeting: To provide advice and recommendations concerning support for research proposals submitted to the NSF for financial support.

Agenda: To review and evaluate Small Business Innovation Research (Phase I) proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C.

552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: August 24, 1992.

Modestine Rogers,

Acting Committee Management Officer.

[FR Doc. 92-20612 Filed 8-26-92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Industrial Innovation Interface; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting.

Date and Time: September 14, 1992; 2 p.m. to 5 p.m.; September 15, 1992; 8:30 a.m. to 5 p.m.

Place: Room 500V, 1110 Vermont Avenue, NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Dr. Sara Nerlove, Program Manager, Industrial Innovation Interface, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 653-5335.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Small Business Innovation Research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: August 24, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-20611 Filed 8-26-92; 8:45 am]

BILLING CODE 7555-01-M

Committee of Visitors of the Advisory Committee for Mechanical and Structural Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meetings:

Date and Time: September 17, 1992; 8:30 a.m. to 5 p.m.

Place: Room 563, 1800 G Street, NW., Washington, DC.

Contact Person: Dr. Devendra P. Garg, Program Director, National Science Foundation, 1800 G St. NW., room 1108, Washington, DC 20550. Telephone: (202) 357-9542.

Agenda: To provide oversight review of the Dynamics Systems and Control Program.

Date and Time: September 18, 1992; 8:30 a.m. to 5 p.m.

Place: Room 1133, 1800 G Street, NW., Washington, DC.

Contact Person: Dr. Jerry Sackman or Huseyin Sehitoglu, Program Directors, National Science Foundation, 1800 G St. NW., room 1108, Washington, DC 20550. Telephone: (202) 357-9542.

Agenda: To provide oversight review of the Mechanics and Materials Program.

Date and Time: September 22, 1992; 8:30 a.m. to 5 p.m.

Place: Room 1133, 1800 G Street, NW., Washington, DC.

Contact Person: Dr. Ken Chong or John Scalzi or Mehmet Tunay, Program Directors, National Science Foundation, 1800 G St. NW., room 1108, Washington, DC 20550. Telephone: (202) 357-9542.

Agenda: To provide oversight review of the Structures, Geomechanics and Building Systems Program.

Type of Meeting: Closed.

Purpose of Meeting: To carry out Committee of Visitors (COV) review, including examination of decisions on proposals, reviewer comments, and other privileged materials.

Reason for Closing: The meeting is closed to the public because the Committee is reviewing proposal actions that will include privileged intellectual property and personal information that could harm individuals if they were disclosed. If discussions were open to the public, these matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act be improperly disclosed.

Dated: August 24, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-20607 Filed 8-26-92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Molecular and Cellular Biosciences; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting: Special Emphasis Panel in Molecular and Cellular biosciences

Date and Time: September 25, 1992; 8:30 a.m. to 5 p.m.

Place: Room 523, National Science Foundation, 1800 G. Street NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Brenda C. Flam, Program Manager for Special Projects, Division of Molecular & Cellular Biosciences, room 325, National Science Foundation, 1800 G Street NW., Washington, DC 20550. Telephone: (202) 357-9400.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate unsolicited proposals submitted to the Small Business Innovation Research Program (SBIR) as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary

or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 USC 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: August 24, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-20609 Filed 8-26-92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Polar Programs; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting.

Date and time: September 17-18, 1992; 8:30 a.m. to 5 p.m.

Place: Room 118, St. James Hotel, 950 24th Street NW., Washington, DC.

Type of Meeting: Closed.

Contact person: Dr. Polly A. Penhale, Program Manager, DPP, rm. 620, National Science Foundation, 1800 G Street NW., Washington, DC 20550. Telephone: (202) 357-7894.

Purpose of Meeting: to provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Polar Biology and Medicine proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: August 24, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-20608 Filed 8-26-92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Undergraduate Education; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting.

Date and Time: September 14, 1992; 2 p.m. to 5 p.m.; September 15, 1992; 8:30 a.m. to 5 p.m.

Place: Room 500 D, 1110 Vermont Avenue NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Dr. Sara Nerlove, Program Manager, Industrial Innovation Interface, rm. V502, National Science Foundation, 1800 G

Street NW., Washington, DC 20550.
Telephone: (202) 653-5335.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Small Business Innovation Research (Phase I) proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: August 24, 1992.

Modestine Rogers,

Acting Committee Management Officer.

[FR Doc. 92-20613 Filed 8-26-92; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget (OMB) Review

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of OMB review of information collection.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35).

1. Type of submission, new, revision, or extension: Extension.
2. The title of the information collection:
 - DOE/NRC Forms 741 and 741A, "Nuclear Material Transaction Report," and NUREG/BR-0006, "Instructions for completing forms 741, 741A, and 740M"
 - DOE/NRC Form 740M, "Concise Note"
3. The form number if applicable: Same as item 2 above.
4. How often the collection is required:
 - NOE/NRC Form 741/741A: As occasioned by special nuclear material or source material transfers, receipts, or inventory changes that meet certain criteria.
 - DOE/NRC Form 740M: When specified in Facility Attachments or Transitional Facility Attachments, or as necessary to inform the U.S. or IAEA of any qualifying statement or exception to any of the data contained in any of the other reporting forms required under the

US/IAEA Safeguards Agreement.

5. Who will be required or asked to report: Persons licensed to possess specified quantities of special nuclear material or source material, and in the case of IAEA Form N-71, licensees of facilities on the U.S. eligible list who have been notified in writing by the Commission to submit the form.
6. An estimate of the number of responses annually:
 - DOE/NRC Form 741/741A: 20,000
 - DOE/NRC Form 740M: 1,140
7. An estimate of the total number of hours needed to complete the requirement or request:
 - DOE/NRC Form 741/741A: 20,000 (1 hour per response)
 - DOE/NRC Form 740M: 1,140 (1 hour per response)
8. An indication of whether section 3504(h), Pub. L. 96-511 applies: Not applicable.
9. Abstract:
 - NRC and Agreement State licensees are required to make inventory and accounting reports on DOE/NRC Form 741/741A for certain source or special nuclear material inventory changes, for transfers or receipts of special nuclear material, or for transfer or receipt of 1 kilogram or more of source material.
 - Licensees affected by 10 CFR parts 75 and related sections of parts 40, 50, 70, and 150 are required to submit DOE/NRC Form 740M to inform the U.S. or IAEA of any qualifying statement or exception to any of the data contained in any of the other reporting forms required under the U.S./IAEA Safeguards Agreement.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC.

Comments and questions may be directed by mail to the OMB reviewer: Ronald Minsk, Office of Information and Regulatory Affairs (3150-0003 & -0057), NEOB-3019, Office of Management and Budget, Washington, DC 20503.

Comments may also be communicated by telephone at (202) 395-3084.

The NRC Clearance Officer is Brenda Jo. Shelton, (301) 492-8132.

Dated at Bethesda, Maryland, this 19th day of August 1992.

For the Nuclear Regulatory Commission.
Gerald F. Cranford,

Designated Senior Official for Information Resources Management.

[FR Doc. 92-20570 Filed 8-26-92; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-445]

TU Electric Utilities Company; Comanche Peak Steam Electric Station, Unit No. 1, Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the scheduling requirements of appendix E, Section VI(4)(d) of 10 CFR part 50 to TU Electric (the licensee), for operation of the Comanche Peak Steam Electric Station (CPSES), Unit 1, located in Somervell County, Texas.

Environmental Assessment

Identification of Proposed Action

The proposed action would grant an exemption from the requirement of appendix E, Section VI(4)(d) of 10 CFR part 50 to complete installation of the Emergency Response Data System (ERDS) by February 13, 1993. By letter dated June 1, 1992, the licensee requested an exemption from appendix E, Section VI(4)(d) of 10 CFR part 50 that would defer the installation of the ERDS because of a planned replacement of CPSES Unit 1 computer system. The computer replacement will be completed during the third refueling outage currently scheduled during the fourth quarter of 1993.

The Need for the Proposed Action

Section VI(4)(d) of appendix E, 10 CFR part 50, requires the licensee to complete implementation of the ERDS by February 13, 1993, or before initial escalation to full power, whichever comes later. The proposed exemption is required in order to allow the licensee to complete a change-out of the computer system which drives the ERDS. The change-out is to be completed during the third refueling outage scheduled for the fourth quarter of 1993.

Environmental Impacts of the Proposed Action

The proposed exemption affects only the licensee's required date for implementing its ERDS. Thus, post-accident radiological releases will not differ from those determined previously, and the proposed exemption does not otherwise affect facility radiological effluents, or any significant occupational exposures. With regard to potential non-radiological impacts, the proposed exemption does not affect plant non-radiological effluents and has no other environmental impact. Therefore, the Commission concludes that there are no measurable radiological or non-

radiological environmental impacts associated with the proposed exemption.

Alternative to the Proposed Action

Since the Commission has concluded that there is no measurable environmental impact associated with the proposed exemption, any alternatives either will have no environmental impact or will have a greater environmental impact. The principal alternative to the exemption would be to require an earlier date for the implementation of the ERDS. Such an action would not enhance the protection of the environment. The exemption will allow for the licensee to complete a change-out of the computer system which drives the ERDS. The change-out is to be completed during the third refueling outage scheduled for the fourth quarter of 1993.

Alternate Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Comanche Peak Steam Electric Station, Unit No. 1, dated September 1981 and Supplement dated October 1989.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption. Based upon the environmental assessment, the NRC staff concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the licensee's letter dated June 1, 1992. The letter is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the University of Texas at Arlington Library, Government Publications/Maps, 701 South Cooper, P.O. Box 19497, Arlington, Texas 76019.

Dated at Rockville, Maryland, this 20th day of August 1992.

For the Nuclear Regulatory Commission.

Suzanne C. Black,

Director, Project Directorate IV-2, Division of Reactor Projects III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 92-20571 Filed 8-26-92; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 030-01179]

Environmental Assessment: Finding of No Significant Impact and Notice of Opportunity for Hearing Related to Amendment of Material License 50-02430-07, University of Alaska Fairbanks

AGENCY: Nuclear Regulatory Commission.

ACTION: NRC plans to issue an amendment to NRC License No. 50-02430-07, authorizing the University of Alaska Fairbanks to use gold-198 for placer gold radiotracer studies at Valdez Creek Mine placer gold mine in Alaska.

FOR FURTHER INFORMATION CONTACT:

Dr. Donna-Beth Howe, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-504-2636.

Environmental Assessment

Identification of the Proposed Action

The proposed action is to amend NRC Byproduct Material License 50-02430-07, issued to the University of Alaska Fairbanks, under review for renewal. The license currently authorizes personnel from University of Alaska Fairbanks to use byproduct material. The proposed amendment would authorize University of Alaska Fairbanks personnel to use gold-198 in flakes and nuggets in sluice box studies at a temporary job site at the Valdez Creek Mine placer gold mine. The purpose of the studies is to evaluate the effects of sluice box design and performance characteristics on gold recovery efficiency during sluicing processes. The placer gold mine is located adjacent to the active stream in the historic Valdez Creek stream bed. The mine is 50 miles east of Cantwell, Alaska, and 5 miles northwest of Susitna Lodge. The proposed study involves adding gold-198 to stream bed gravel as it is being loaded into the feed stream, at the top end of the sluice box, retrieving the radioactive gold flakes and nuggets from the sluice box at the end of the run, and releasing gold-198 directly into the environment (i.e., the gravel mine tailings at the bottom of the sluice box) if it is not captured in the sluice box. Accordingly, pursuant to 10 CFR 51.21, NRC has prepared this assessment of the resulting environmental impact.

The non-site-specific aspects of gold-198 placer studies (i.e., possession of the gold-198 flakes and nuggets, laboratory use, waste disposal, and radiation health and safety aspects of gold-198 use at University of Alaska Fairbanks)

are performed under the authority of University of Alaska Fairbanks' license.

Background

By letter dated April 17, 1992 (and attachments), the University of Alaska Fairbanks (applicant) Radiation Safety Office representative requested in NRC amendment to perform gold-198 placer studies at a remote mining site in Alaska. University personnel have experience using gold-198 in laboratory settings. The Valdez Creek Mine will be the University of Alaska Fairbanks' first gold-198 placer gold study at a field site. The mine, operated by Cambior Alaska, Inc., is located on land under the administrative control of the U.S. Bureau of Land Management. Both Cambior Alaska, Inc., and the Bureau of Land Management conditionally authorized the performance of the studies at Valdez Creek Mine, pending NRC approval of the amendment request. The gold-198 studies cannot begin unless NRC amends University of Alaska Fairbanks' license to authorize the study.

Placer gold ore consists of preformed gold particles (flakes or nuggets) that are deposited with rock formations. Mining the gold and rock from the floor of stream beds is a form of surface strip mining. Pacer gold mining is the process of separating the gold from the stream bed gravel. The process uses centrifugal and gravitational forces and differences in density and particle sizes to separate the gold from the gravel and drive the gold into a collection mat. Since the gravel contains very little gold, a large volume of gravel and a simple, cheap, and efficient method is needed to recover the gold.

At Valdez Creek Mine, a 45-foot-long and 18-foot-wide sluice box, with seven individual channels running the length of the box, is used to separate the gold from the gravel. Each channel consists of a flume, containing riffles, with removable matting between each riffle. Each riffle is lower in elevation than the previous one. The seven channels are all fed gravel, at the top of the box, from a common source, and all channels are diverted, at the bottom, to a common tailings pile. Gravity carries the slurry of water and alluvial gravel containing the gold down the riffles of the sluice box. Each riffle overturns ribbons of slurry to form vortices, and the centrifugal and gravitational forces at the bottom of the vortices separate the gold from the gravel and drive the gold particles into the matting. To recover the gold, the water is stopped approximately every 24 hours, the mats are removed, and the gold is washed out of the mats in 20-to-30-gallon water containers.

The initial sluicing process requires a great deal of water, approximately 2000 gallons per minute for a 10-foot-wide sluice box. Initial and make-up water is usually pumped from a diversion reservoir upstream from the sluice box and permitted to flow through the gravel tailings to a settling pond downstream. Approximately 85 percent of the water used is recycled from the tailings pond. The majority of the gravel passes through the sluice box and is deposited in the tailings pile. The water used to wash the mats is also dumped on the gravel tailings pile. A single tailings pile may contain from 10,000 to 50,000 cubic yards (or 11,000 to 57,000 tons) of gravel and be approximately 150 feet long, 110 feet wide, and 50 feet high. Typically, a mine site will have many such tailings piles.

The field studies are expected to run over a 3-year period. Each shipment of gold has four different-size nuggets and flakes (i.e., 0.15 to 0.21 millimeters (mm), 0.3 to 0.42 mm, 0.6 to 0.84 mm, and 1.4 to 1.7 mm). If the total activity of 100 gold particles is 4 millicuries and each gold particle has the same activity, the activity of each gold flake and nugget is expected to be 40 microcuries before decay. Ten measurements are expected to be made using one shipment of gold-198; three shipments are expected to be used per year. The maximum total activity used for a measurement is 5 millicuries; the maximum total activity used in a year will be 100 millicuries.

The procedure to make a measurement is as follows: (1) 100 gold-198 nuggets and flakes, having up to four different sizes, are added to the stream bed gravel containing non-radioactive placer gold at the head of a single channel of the sluice box; (2) the sluice box channel is operated as normal; (3) the channel is shut down 24 hours later; (4) each mat in the channel is then examined and washed to recover both the radioactive and non-radioactive gold; and (5) the radio-labeled particles are identified and separated from the non-labeled gold. The number and size of the radio-labeled gold particles recovered from each riffle are used to determine the run's recovery efficiency (how many particles were trapped) and effectiveness (whether the operating parameters selectively missed nuggets or small flakes).

Need for the Proposed Action

Alaska has approximately 200 placer gold mines. These mines are a major social and economic force in the State's developing economy. Placer gold ore is usually low grade. Inefficient recovery processes can result in the situation where more gold is lost than recovered.

The purpose of the studies is to determine the efficiency and effectiveness of individual sluice box operations in recovering different-size gold particles. Using radio-labeled gold permits the identification of individual gold particles. This results in a rapid quantitative determination of the recovery or loss of the individual particles and the calculation of the effectiveness and efficiency of the sluice run.

Although the operation of a sluice box appears simple, a number of minor parameter adjustments or equipment modifications can have a significant effect on optimizing gold recovery and minimizing gold loss. Initial measurements are used to quantify the gold-recovery rate at the particular mine. Subsequent measurements provide feedback on the consequences of changes made to optimize gold recovery. Similar radio-labeled gold studies were performed by another group at 24 placer mines in Canada's Yukon Territory. These studies resulted in identifying only a few efficient mining operations and making recommendations to improve operations at the majority of the mines. Implementing technical change and equipment modification recommendations such as screening the pay gravel to remove larger gravel particles, replacing the matting material, and changing the types of riffles resulted in significant improvements in gold recovery at some mines.

Environmental Impacts of the Proposed Action

The Affected Environment. The study site, Valdez Creek Mine, is located in the Valdez Creek drainage area. The active mine consists of an open pit mine approximately one-half mile long, 700 feet wide at the bottom, 1200 feet wide at the top, and 200 feet deep. The Valdez Creek project exploits two paleochannels adjacent to the Tammany Channel, a previously mined paystreak. All three paystreaks are ancestral drainage incisions located in the historic creek bed. A dam at the head of the valley forms a 5-acre diversion reservoir that is used for initial and replacement water for the sluicing operation (gold-wash plant) and enables the active creek to be diverted a half mile from the gold-wash plant. The 15-acre settling pond, located below the gold-wash plant, not only receives the runoff from the gravel tailings piles and the sluicing operation, but also serves as the main source of slurry water. This water is continually being pumped back up to the gold-wash plant.

The mine is formed by removing the original ground surface (the overburden) from the historic creek bed, until the pay gravel is reached. Approximately 6 million cubic yards of overburden are removed each year. The pay gravel from the active cut is bulldozed to the sluice box. Once the pay gravel from a cut has been run through the sluice box, the sluice box is moved and a new cut is started. Approximately 400,000 cubic yards of pay gravel are processed each year and 40,000 to 70,000 ounces of gold retrieved each year. Water in the tailings pond is eventually released to the creek.

The Valdez Creek Mine, in operation since 1984, is one of Alaska's largest gold mines. It is run on a year-round basis with limited mining activity during the winter. The sluicing operation takes place in two 12-hour shifts per day. Because the sluice box being studied has seven channels, a channel can be closed without having to stop the overall operations. Breaks in the operations usually occur for shift changes and maintenance. The wash plant is never left unattended.

There are approximately 100 employees at the mine. The employees and their families live at the mine approximately a mile southwest of the gold-wash plant. The mine is located north of the Denali Highway, just east of the Susitna River. Access to the mine is by a private road that passes through the historic mining site of Denali, consisting of several vacant log cabins. A security gate and mine security personnel control access to the mine, for safety and economic reasons. Usually only four to six employees work at the sluicing area at a time. Employees not directly involved in the sluicing operation and children are not allowed near the sluicing area for safety reasons. Cantwell, the closest community, is 55 miles away and has a population of 100 people. The nearest permanent residence is near Cantwell. The nearest temporary residence, Susitna Lodge, is 5 miles away and only operates from June to August.

There are two candidate species, one threatened species, and one endangered species that may live in the vicinity of the mine. The endangered species is the American peregrine falcon (*Falco peregrinus anatum*); the threatened species is the Arctic peregrine falcon (*Falco peregrinus tundrius*); and the two candidate species are the lynx (*Felis lynx*) and the Swainson's hawk (*Buteo swainsoni*). The candidate status of the lynx indicates that it may be put on the threatened or endangered list and the status of the Swainson's hawk

indicates that it is becoming more abundant.

Study Protocol. The University of Alaska Fairbanks' personnel will sort nonradioactive gold into four different size particles and send the sorted particles to Oregon State University, for neutron activation in its reactor. Gold-198, the activation product, has a half life of 2.7 days, a primary gamma ray energy of 412 kiloelectron volt, and a gamma ray exposure constant of 2.35 roentgen per hour per millicurie at 1 centimeter (0.23 milliroentgen per hour per millicurie at 1 meter). The gold samples returned from Oregon State University are expected to have total activities of less than 40 millicuries.

One hundred gold-198 particles, with a total activity of approximately 4 millicuries, will be added to the pay gravel, as it is being loaded into the sluice box channel. Assuming that the total activity of the particles is 4 millicuries, the radiation dose levels 1 centimeter from each individual particle are expected to be 94 millirad per hour. Approximately 5,000 to 10,000 cubic yards of pay gravel will be processed through the channel at a rate of 150 cubic yards per hour. Radio-labeled gold particles will be identified in the washings from each mat and separated from the non-labeled gold.

The researchers will be able to account either directly or indirectly for all the gold-198 particles used per measurement in the sluice box area. All personnel exiting the "radiation control" area at the sluice box will be checked with appropriate radiation detection instruments, to ensure that no one either deliberately or inadvertently picks up any radioactive gold particles. The detectability of the primary gamma rays makes it possible to find and directly account for the gold particles deposited in the sluice box or picked up by the workers. Since both the number and size of the radio-labeled gold particles introduced and recovered are known, and no one can remove any radioactive gold from the sluice box area without detection, the licensee will be able to indirectly account for the gold-198 in the tailings pile. No attempt will be made to recover the gold-198 particles from the gravel tailings.

Recovered gold-198 particles can be used again for later measurement. If subsequent sluicing changes improve gold recovery, less gold-198 will be lost to the gravel trailings pile, in future measurements. The minimum time interval between test measurements is expected to be 24 hours. During that time, in addition to the routine worker exit surveys, University of Alaska Fairbanks personnel will be processing

the mats; recovering the gold-198 from the mats; and measuring the sluice box channel and adjacent areas, to ensure that all the recoverable gold-198 is removed, before releasing the channel to unrestricted use.

Pathways to the Environment. The natural dynamics of sun, wind, and rain are not factors in determining the gold-198 pathways to the environment. Gold, a noble metal, is chemically inert, essentially insoluble in water, and heavier than air, water, or gravel. The gold-198 does not present either an inhalation or absorption hazard. Chemicals, solvents, and harsh environments are not used in the placer gold recovery process. Gold-198 has a radioactive half life of 2.7 days. All the radio-labeled gold particles should either be recovered from the mats or lost to the gravel tailings pile.

It is unlikely that the gold particles deposited in the tailings will leave the tailings pile. To do so would require the gold particles to be carried from the gravel tailings by the water percolating through the gravel pile. Neither the nuggets nor the fines will migrate through the tailings pile. Even if the radioactive gold particles could migrate out of the tailings pile—a highly unlikely event—they would rapidly settle out of the water to the bottom of the stream or pond and be buried by incoming sediment. Gold nuggets will settle out faster than the gold fines. The settling velocities for the fines are expected to be approximately 2 inches per second (a relatively fast settling velocity, compared to other materials).

Radioactive gold is not soluble in water, and therefore will not enter either underground potable water supplies or plants in the food chain. Since the water used in the mining operations is physically separated from the active creek, no radioactive gold will enter surface water sources at Valdez Creek.

To enter the animal portion of the food chain, an animal on or in the tailings pile would have to ingest a complete radioactive gold nugget or fine. If ingested by an animal, the gold-198 could be both an internal radiation hazard to the animal and an external radiation hazard in the vicinity of the animal. The radioactive gold particle may reside for some time in the gizzard of a bird, before it passes intact through the digestive tract. For other animals, it would be expected to just pass through the digestive track. The extent of the radiation hazard would depend on the activity of the gold at the time and the size of the animal. For song birds, peregrine falcons, or mice, the volume of tissue within 1 centimeter of an ingested gold particle would constitute a

significant part of the body and, in some cases, the whole body. If a song bird or mouse ingested a gold particle (40 microcuries)—an unlikely event—the maximum radiation field at the surface of the animal would be 94 milliroentgen per hour, which would decrease with radioactive decay.

Although the maximum activity used per measurement is 5 millicuries and the maximum used in a year is 100 millicuries, the total lost to the environment is expected to be much less. The design and implementation of the study affect the total amount lost to the environment. If the mine is quite efficient (90 to 99 percent recovery), only one measurement will be needed, and only a few particles (one to ten particles) will be lost to the environment. If the mine is inefficient, multiple measurements and experimental periods will be needed, as "improvements" are tried. However, once it is clear that no progress is made, the measurements will be halted. If the mining efficiency is improving, the number of gold particles lost to the environment should decrease with each measurement, until no further progress is obtained. Another factor that keeps the total number of gold particles used to a minimum is the fact that the recovered gold-198 particles can be reused in later measurements.

Pathway to Humans. Several factors, such as geographic isolation of the Valdez Creek Mine and restricted access to the mine site, make it unlikely that the gold-198 will come in direct contact with the general public.

The most significant hazard to humans is the external radiation hazard associated with exposure to the gamma rays. The most probable route of exposure is direct contact with the radioactive gold particles. Assuming that the total activity of the particles in a run is 4 millicuries, the radiation levels 1 centimeter from each individual particle are expected to be 94 milliroentgen per hour. A worker intentionally or unintentionally picking up a flake or nugget in his/her clothing at the beginning of a 12-hour shift could receive a maximum dose of 1100 millirad, for a small volume of tissue. Potential direct contact with the workers is restricted to the licensee's personnel at the site and the few miners working directly with the sluice and the mat washing. The licensee will provide radiation safety training to these workers and conduct frequent radiation measurements, to ensure that radioactive gold particles are not deliberately or inadvertently picked up by these workers. Frequent monitoring

of the workers as they leave the site for breaks and work-related duties will reduce the potential maximum significantly (monitoring at 3-hour intervals reduces the dose to 270 millirads for the small volume of tissue). Other workers and family members are not permitted access to the wash plant.

Additional miners may work in the area of the tailings piles containing gold-198 particles. In the Canadian studies, the gravel in the tailings piles provided sufficient shielding to make the radiation from the gold-198 in the piles undetectable. Because the Alaskan and the Canadian placer mine procedures are essentially the same, the levels of detectable radiation at the Canadian tailings piles are expected to be essentially the same at Valdez Creek Mine.

The internal hazards are not as significant because the probability of internal exposure is very low. To be an internal radiation hazard, the gold-198 has to either be inhaled or ingested. Nuggets and fines are not airborne and, thus, not an inhalation hazard. The possible ingestion routes include deliberately swallowing the nuggets and fines and inadvertently ingesting them with contaminated water, plants, or animals. It is unlikely that an adult would intentionally swallow gold nuggets or fines. Children living at the mine are not permitted near the tailings, and thus are not given an opportunity to eat the gold particles lost to the tailings. It is unlikely that the gold particles will get into either potable water or the plant food-chain.

With the first three routes eliminated, the only remaining internal hazard pathway is through the animal food path. In this case, the entire animal or the contents of the digestive tract would have to be eaten by humans. Although it is possible to have small animals that are eaten whole, it is very unlikely to find them or harvest them from the gravel tailings pile. Further, the gravel tailings are off limits to the mine residents. Although larger animals could eat the small animals and they in turn could be eaten, the larger animals would probably be cleaned and gutted first. Therefore they do not present an ingestion hazard.

University of Alaska Fairbanks' personnel who handle the gold-198 have procedures and equipment to monitor and minimize their exposure to the radiation from gold-198 to below the 10 CFR Part 20 limits. Instructions and written procedures address proper receipt, survey, transportation, and handling of gold-198 and how to handle emergency situations.

Effects On Plant and Animal Species. Individual plants and animals may be adversely affected by their exposure to the gold-198 gamma rays, if they are in close proximity to radioactive particles for a prolonged period of time. The probability and consequences of effects will diminish with time, as the particles decay. Few plants or animals are expected to live in the gravel tailings piles; therefore, few acute or long-term effects are expected for species in the study area.

Effects on Endangered or Threatened Species. Although there are four endangered or threatened species that could live in the vicinity of the mine, the University of Alaska Fairbanks has not indicated that specific individuals have home ranges that include the mine site. If these species do not live or hunt in the mine area, they will not be affected by the gold studies. All these species are predators. If any one of the species lives or hunts in the mine area, the most probable—but still highly unlikely—exposure to the radioactive gold would be through eating either a bird or other small animal that previously ingested the gold.

Neglecting radioactive decay before uptake and biological half-life, the maximum activity of a gold particle would be 40 microcuries, the maximum radiation field would be 94 milliroentgen per hour at 1 centimeter, and the maximum life-time dose to a volume of tissue 1 centimeter from the gold particle would be 9 rads. The theoretical whole body dose to one of the endangered species would be much less, once the initial radioactive decay of the particle before ingestion, the biological half-life in the predator, and the relationship between the volume of tissue and the size of the animal were factored in. Reproductive potential may be reduced with whole body exposure as low as 30 roentgen, for mammals exposed to external gamma radiation. In the worst-case situation, there may be some localized cell damage in the immediate vicinity of a radioactive gold particle, but there should not be short- or long-term whole body effects to the endangered species in the area.

Conclusions

Based on the foregoing assessment, the NRC staff concludes that the environmental effects of using gold-198 for the placer gold studies are expected to be extremely small. The gold-198 particles released to the environment will be confined to the gravel tailings piles. The tailings piles will be designated as a "controlled area" for at least nine half-lives before the licensee surveys and releases these areas to

unrestricted use. The final concentrations of gold-198 released by the placer gold studies will be well below the limits specified in 10 CFR part 20. Thus, the estimated doses to residents and the general public at the Valdez Creek Mine are insignificant. Based on these considerations, this action will not result in significant effects on the quality of the human environment.

The probability of an endangered or threatened species coming into contact with a radioactive gold particle is quite small. Further, the theoretical dose to one of the endangered species, after correcting for initial radioactive decay of the particle, before contact, and biological half-life in the predator, is below levels that would have short- or long-term adverse effects on the animal.

Therefore, in accordance with 10 CFR 51.31, a Finding of No Significant Impact is considered appropriate for this proposed action.

Alternatives to the Proposed Action

As required by Section 102(2)(E) of the National Environmental Policy Act of 1969, as amended (NEPA) (42 U.S.C. 4322(2)(E)), possible alternatives to the proposed action have been considered. One alternative is conventional sampling. In this technique, hundreds of tailings sample increments are collected in duplicate across the full width of each sluice box discharge over a 2- to 4-day mining period. Each sample is screened and processed several times to determine gold losses. This method involves large samples, many increments, and extreme design and implementation care. The technique is time-consuming and problematic. "Nugget effects," that is, the presence or absence of nuggets in the recovered samples, can lead to high unpredictable errors. Even with large sample volumes consisting of hundreds of increments, the unpredictable standard errors could still range from 7 to 50 percent. The conventional sampling method is more time-consuming, more expensive, and less accurate. Therefore, this alternative should not be used in this study to quantitate the effectiveness and efficiency of the placer mining operations.

Various indicators, such as the presence of fine gold, the presence of nuggets, a high concentration of gold in the first few feet of the sluice run, and gold-pan samples, are also used to predict recovery efficiency. They may provide erroneous and misleading information. Most sluice boxes will recover some proportion of fines or nuggets, while very inefficient sluice

boxes recover gold in the first few feet where sample sizes may be too small. These indicators are not quantitative and do not address the effectiveness of the sluice boxes.

The only other alternative to the proposed action is the denial of the license amendment request. In that event, the University of Alaska Fairbanks would have to abandon its attempt to use gold-198 to study the effectiveness and efficiency of the Valdez Creek Mine placer gold recovery procedures and the effects of changes to these procedures. Currently, there are no available alternatives for quantifying the gold particle recovery determinations with the same level of accuracy obtained from the gold-198 study.

The benefits to be gained from denial—no release of radioactive material into the environment—would be minimal. The estimated concentrations of gold-198 in unrestricted areas and resulting doses to humans or endangered species from the studies would be insignificant. The additional radiation exposure has to be weighed against the scientific information needed to manage and improve the production of the placer gold mine.

Agencies and Persons Contacted

In performing this assessment, the staff contacted University of Alaska Fairbanks.

Finding of No Significant Impact

The Commission has determined, under NEPA and the Commission's regulations in 10 CFR part 51, that this proposed amendment to amend Byproduct Material License 50-02430-07, to permit possession, use, and storage of gold-198 in the form of nuggets and particles, at the Valdez Creek Mine (as a temporary job site, while performing studies to quantitate the effectiveness and efficiency of the sluice box operations) if granted, would not have a significant effect on the quality of the human environment or endangered species in the area. Therefore, an environmental impact statement is not required. This determination is based on the foregoing environmental assessment, performed in accordance with the procedures and criteria in Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions."

For further details of this action, see the application for license amendment, dated April 17, 1992, and other related correspondence. The documents (in Docket No. 030-20457) may be examined or copied, for a fee, in the Commission's

Region V Public Document Room, 1450 Maria Lane, Suite 210, Walnut Creek, California 94596.

References

- Clarkson, R., "Placer Gold Recovery Research—Final Summary," prepared for Klondike Placer Miners Association.
Walsh, D.E., "Evaluation of the Four Inch Compound Water Cyclone as a Fine Gold Concentrator Using Radiotracer Techniques," Mineral Industry Research Laboratory Report No. 70, September 1985.
Walsh, D.E., "Placer Gold Unit Investigations with Radiotracers (AU-198)," *Marine Mining*, Vol. 8, pp. 405-424, 1989.

Notice of Opportunity for a Hearing

Any person whose interest may be affected by the issuance of this amendment may file a request for a hearing. Any request for hearing must be filed with the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, within 10 days of publication of this notice in the *Federal Register* and must be served on the NRC staff by mail addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555, or by delivery to the Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852; and must be served on the applicant by mail or delivery to University of Alaska Fairbanks, Radiation Safety Officer, Institute of Arctic Biology, Fairbanks, Alaska 99775-0180. The request for a hearing must comply with the requirements set forth in the Commission's regulations, 10 CFR part 2, subpart L, "Informal Hearing Procedures for Adjudications in Material Licensing Proceedings." Subpart L of 10 CFR part 2 may be examined or copied, for a fee, in the Commission's Region V Public Document Room, 1450 Maria Lane, Suite 210, Walnut Creek, California 94596, or in the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555.

As required by 10 CFR part 2, subpart L (10 CFR 2.1205), the request for hearing must describe in detail: (1) The interest of the requestor in the proceeding; (2) how that interest may be affected by the results of the proceedings, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in paragraph (g) of 10 CFR 2.1205; (3) the requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and (4) the circumstances establishing that the request for a hearing is timely in accordance with paragraph (c) of 10 CFR 2.1205.

The factors in 10 CFR 2.1205(g) that must be addressed in the request for hearing include: (1) The nature of the requestor's right under the Atomic Energy Act of 1954 to be made a party to the proceeding; (2) the nature and extent of the requestor's property, financial, or other interest in the proceeding; and (3) the possible effect of any order that may be entered in the proceeding upon the requestor's interest.

Dated at Rockville, Maryland this 21st day of August 1992.

John E. Glenn,

Chief, Medical, Academic, and Commercial Use Safety Branch, Division of Industrial and Medical Nuclear Safety, NMSS.

[FR Doc. 92-20572 Filed 8-26-92; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-338]

Virginia Electric and Power Company; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission is considering issuance of an exemption from the requirements of appendix A to 10 CFR part 50 to Virginia Electric and Power Company (the licensee), for the North Anna Power Station, Unit No. 1 (NA-1) located in Louisa County, Virginia.

Environmental Assessment

Identification of Proposed Action

The proposed exemption would allow temporary relief from the requirements of General Design Criterion-2 (GDC-2) for NA-1 with regard to a portion of the tornado missile protection for the NA service water restoration project. The proposed exemption would permit the temporary removal of the earth which provides missile protection for portions of the service water system piping, electrical system duct banks, and the emergency diesel generators' fuel oil supply piping.

The Need for the Proposed Action

The proposed exemption is needed in order to permit completion of highly desirable upgrades to the service water system without unduly extending the next several scheduled refueling outages. The proposed exemption would permit part of the preparatory work to be accomplished 30 days prior to the beginning of the presently scheduled 1993 NA-1 steam generator outage until 30 days after the outage.

Environmental Impacts of the Proposed Action

The proposed exemption does not involve any measurable environmental impacts during normal operation since the plant configuration is changed only minimally and plant operation is not changed. The likelihood of tornado missile damage during the time the exemption would be in effect which would affect equipment required to operate to avoid radiological impact is low. Thus, the proposed exemption would not significantly affect the probability or consequences of potential reactor accidents and would not otherwise affect radiological plant effluents. Consequently, the Commission concludes that there are no significant radiological impacts associated with the proposed exemption.

With regard to potential nonradiological impacts, the proposed exemption involves features located entirely within the restricted area as defined in 10 CFR part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, the staff concludes that there are no significant nonradiological environmental impacts associated with the proposed exemption.

Alternatives to the Proposed Action

Since the staff has concluded that there are no measurable environmental impacts associated with the proposed exemption, any alternatives with equal or greater environmental impact need not be evaluated. The principal alternative to the exemption would be to require strict compliance with GDC-2. Such action would not significantly enhance the protection of the environment, and would result in a significant loss of power generation to the licensee, as the next several refueling outages for NA-1&2 would have to be extended considerably.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the North Anna Power Station.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

Based upon the foregoing environmental assessment, the staff concludes that the proposed action would not have a significant effect on the quality of the human environment and has determined, therefore, not to

prepare an environmental impact statement for the proposed exemption.

For further details with respect to this action, see the application dated July 16, 1992, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22991.

Dated at Rockville, Maryland, this 20th day of August, 1992.

For the Nuclear Regulatory Commission,
Herbert N. Berkow,
Director, Project Directorate II-2, Division of
Reactor Projects—I/II, Office of Nuclear
Reactor Regulation.

[FR Doc. 92-20573 Filed 8-26-92; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 030-08719; License No. 35-15194-01 EA 92-068]

Globe X-Ray Services, Inc., Tulsa, OK; Order Imposing Civil Monetary Penalty

I

Globe X-Ray Services, Inc. (Licensee) is the holder of NRC Materials License No. 35-15194-01 issued by the Nuclear Regulatory Commission (NRC or Commission) on April 4, 1990, and scheduled to expire on April 30, 1995. The license authorizes the Licensee to possess sealed sources of radioactive iridium-192 and cobalt-60 for use in conducting industrial radiography in accordance with the conditions specified therein.

II

An inspection of the Licensee's activities was conducted on March 23 and March 25-26, 1992. The results of this inspection indicated that the Licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was served upon the Licensee by letter dated April 30, 1992. The Notice states the nature of the violation, the provision of the NRC's requirements that the Licensee had violated, and the amount of the civil penalty proposed for the violation.

The Licensee responded to the Notice on May 28, 1992. In its response, the Licensee admitted that a violation may have occurred, but denied that the violation occurred as represented in the Notice of Violation.

III

After consideration of the Licensee's response and the statements of fact, explanation, and argument for

mitigation contained therein, the NRC staff has determined, as set forth in the Appendix to this Order, that the violation occurred and that the penalty proposed for the violation designated in the Notice should be imposed.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, *It is Hereby ordered That:*

The Licensee pay a civil penalty in the amount of \$2,500 within 30 days of the date of this Order, by check, draft, money order, or electronic transfer, payable to the Treasurer of the United States and mailed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Attn: Document Control Desk, Washington, DC 20555.

V

The Licensee may request a hearing within 30 days of the date of this Order. A request for a hearing should be clearly marked as a "Request for an Enforcement Hearing" and shall be addressed to the Director, Office of Enforcement, Nuclear Regulatory Commission, Attn: Document Control Desk, Washington, DC 20555. Copies also shall be sent to the Assistant General Counsel for Hearings and Enforcement at the same address, and to the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the Licensee fails to request a hearing within 30 days of the date of this Order, the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the Licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether the Licensee was in violation of the Commission's requirements as set forth in the Notice referenced in Section II above, and

(b) Whether, on the basis of such violation, this Order should be sustained.

Dated at Rockville, Maryland this 18th day of August 1992.

For the Nuclear Regulatory Commission,
James Lieberman,
Director, Office of Enforcement.

Appendix—Evaluation and Conclusion

On April 30, 1992, a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was issued for a violation identified during an NRC inspection. Globe X-Ray Services, Inc. (Globe) responded to the Notice on May

28, 1992. In its response, Globe admitted that a violation may have occurred, but denied that the violation occurred as represented in the Notice of Violation. The Licensee also requested an opportunity to depose the inspector who found the violation and requested a hearing. The NRC's evaluation and conclusion regarding the licensee's response are as follows:

Restatement of Violation

10 CFR 34.23 states that locked radiographic exposure devices and storage containers shall be physically secured to prevent tampering or removal by unauthorized personnel.

Contrary to the above, on March 23, 1992, the licensee did not physically secure a locked radiographic exposure device (Serial No. 64, containing 31.9 curies of iridium-192) to prevent tampering or removal by unauthorized personnel. Specifically, on this date the door to a darkroom in Building 6 of the Dresser-Rand Company facility in Broken Arrow, Oklahoma, was unlocked, permitting unfettered access to the radiographic exposure device by unauthorized personnel.

This is a Severity Level III violation (Supplement VI). Civil Penalty—\$2,500.

Summary of Licensee's Response

Globe admitted that a "technical violation" occurred by its leaving the key to the X-ray room (darkroom) in an accessible location that was known to at least one Dresser-Rand employee. However, Globe denied that any Globe or Dresser-Rand employee unlocked the door to the darkroom on this occasion.

Globe stated that at 4 p.m., when the two NRC inspectors were escorted to the X-Ray Building, the door to the darkroom was properly secured and locked. Globe further stated, that the evening guards on duty at 6 p.m. indicated that the inspector returned shortly after they came on duty and that the inspector said that he wanted to inspect the vault, however, he was going to meet someone first. Globe stated that as the inspector waited, an old pickup pulled down the road not coming up to the guard shack, and that the inspector then went to talk to the person in the pickup. According to Globe, at 6:07 p.m., the inspectors returned and requested to examine the X-ray facilities. Globe then stated that at 7:30 p.m., the inspectors phoned the Globe radiation safety officer to inform him that the darkroom had the key in the lock and the door was unlocked.

Globe also stated that within the darkroom there is a locked metal box weighing 80 to 100 pounds which contains the Camera, "to which is attached a 25 foot cable, * * *" and "within this box is a camera, which also has a lock."

Globe requested an opportunity to obtain a deposition from the inspector who found the violation and requested a hearing. Globe stated in its response that its purpose in questioning the inspector was to "investigate the possibility that Globe X-Ray Services, Inc.'s good past performance record with the U.S. Nuclear Regulatory Commission has been sabotaged by a former Globe employee who was disgruntled by reason of the fact that he was terminated." In addition, Globe

stated that it did not object to the \$2,500 fine but objected to having "on the record" the suggestion that it was not a very careful and safe licensee.

NRC Evaluation of Licensee's Response

The NRC holds its licensees responsible for meeting all requirements associated with the safekeeping of licensed radioactive material in its possession. 10 CFR 34.23 requires that locked radiographic exposure devices be physically secured to prevent tampering or removal by unauthorized personnel. In this case, the licensee admitted that it left a key to the room where licensed material was stored in a location that was known to and accessible to at least one individual who was not authorized access to the licensed material. The NRC does not dispute that at 4 p.m. on March 23, 1992, the door to the darkroom was secured. However, at approximately 7 p.m. on March 23, 1992, the inspectors observed that the darkroom containing licensed material was unlocked and that the padlock on the darkroom door still had the key inserted in the locking mechanism. Further, although the radiographic exposure device. Although the lock on the radiographic exposure device was in a heavy metal storage box, the storage box was not locked, and, therefore, the storage box did not function to physically secure the radiographic exposure device was engaged, 10 CFR 34.23 requires that the locked radiographic exposure device be physically secured. Merely locking the radiographic exposure device does not fulfill the requirement to physically secure the locked radiographic exposure device. Therefore, the NRC has concluded that the violation occurred as stated in the Notice of Violation. The fact that neither Globe nor the NRC has been able to determine who left the door unlocked does not change the fact that the violation occurred.

Globe's statement concerning the NRC inspector talking with an individual in a vehicle prior to the second inspection is not correct. The inspectors indicated that after the second inspection, upon finding the key in the lock to the darkroom door, the inspectors secured the door and then called Globe's radiation safety officer (RSO) to inform him that they secured the darkroom door and that they needed to return the key to an authorized Globe employee. Shortly thereafter, a Globe employee arrived at the Dresser-Rand facility in a vehicle to retrieve the key from the inspectors, and the three revisited the darkroom to discuss the unsecured door. Globe has not presented any evidence to support either its assertion that a former Globe employee was involved in committing the violation, or its inference that the NRC inspectors had knowledge of how the violation occurred. Nonetheless, the suggestion of inappropriate behavior on the part of NRC employees was forwarded to the NRC Office of the Inspector General (IG) for review as appropriate, and after consultations, the IG determined that no further actions were needed. NRC Region IV senior managers have also reviewed this matter and concluded that Globe's inferences are not supported by the information presented nor by the facts in this case.

Furthermore, Globe's request to obtain a deposition from the inspector and request for a hearing are premature. The opportunity for hearing in accordance with 10 CFR 2.205, and the attendant discovery rights in accordance with and subject to 10 CFR 2.740-2.744 and 2.720(h), occur after a civil penalty is imposed by Order, not at the time that a civil penalty is proposed.

With regard to Globe's concern about the suggestion that it was not a very careful and safe licensee, as noted in the cover letter transmitting the Notice of Violation, the NRC considered Globe's relatively good past performance as a mitigating factor in deriving the civil penalty amount.

NRC Conclusion

NRC has concluded that the violation did occur as stated in the Notice of Violation. Consequently, the proposed civil penalty in the amount of \$2,500 should be imposed.

[FR Doc. 92-20574 Filed 8-26-92; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-29]

Yankee Atomic Electric Co. (Yankee Nuclear Power Station)

Exemption

I

The Yankee Atomic Electric Company (YAEC or the licensee), is the holder of Operating License No. DPR-3 which authorizes possession, operation and maintenance of the Yankee Nuclear Power Station (facility or plant). The license provides, among other things, that the plant is subject to all rules, regulations, and Orders of the Commission now or hereafter in effect.

The facility is a pressurized water reactor, currently in the process of being decommissioned, and located at the licensee's site in Franklin County, Massachusetts. The plant is shut down and the reactor is defueled.

II

In a letter dated February 27, 1992, from the licensee, we were informed that YAEC had permanently ceased power operations, removed the fuel from the reactor to the fuel pool and begun to develop detailed plans to decommission the facility. The staff subsequently issued a Confirmatory Action Letter (CAL) dated April 7, 1992, which confirmed these commitments. By letter dated June 19, 1992, the licensee requested an exemption to the requirements of 10 CFR 50.71(e) in accordance with 10 CFR 50.12. 10 CFR 50.71(e) requires submittal of an annual update of the Final Safety Analysis Report (FSAR) from each person licensed to operate a nuclear power reactor. This exemption is required

despite the permanently shutdown and defueled status of the facility as the Operating License has not yet been amended to a Possession Only License (POL).

III

In the licensee's letter of June 19, 1992, the justification presented for the exemption request was that the licensee's letter of February 27, 1992, and the staff's CAL of April 7, 1992, ensure that the plant is no longer authorized to operate. In addition, the licensee stated that the staff is in the final stages of issuing a POL. The staff confirms the licensee's statements.

The Commission will not consider granting an exemption unless special circumstances are present. In the licensee's letter of June 19, 1992, these special circumstances were addressed as follows:

10 CFR 50.12(a)(2)(ii)—"Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule * * *

Licensee's response: The purpose of 10 CFR 50.71(e) is to ensure that a facility that is authorized to operate submits to the NRC an annual FSAR update. For all intents and purposes, YNPS is no longer authorized to operate. On February 27, 1992, YAEC informed the NRC of its decision to permanently ease power operation at YNPS. The NRC subsequently issued a Confirmatory Action Letter which acknowledged the commitment made by YAEC to permanently cease power operation and begin developing plans to decommission the facility. NRC is in the final stages of approving the YNPS possession-only license amendment which would remove the authority to operate YNPS at any power level. Therefore, implementation of 10 CFR 50.71(e) for YNPS would not serve the underlying purpose of the rule. Furthermore, an exemption to 10 CFR 50.71(e) will not present an undue risk to the public health and safety because the potential risks associated with a permanently shutdown facility are substantially less than those of a facility in power operation. The exemption request is also consistent with the common defense and security.

IV

The staff agrees with the licensee's analyses as presented in Section III above and concludes that sufficient bases have been presented for our approval of the exemption request. In addition, the staff finds that there are special circumstances presented that satisfy the requirements of 10 CFR 50.12(a)(2)(ii). In the event that the licensee seeks to resume operation, this exemption will terminate.

V

Based on the above evaluation, the Commission has determined that

pursuant to 10 CFR 50.12(a)(1), this exemption is authorized by law, will not present an undue risk to the public health and safety and is consistent with the common defense and security.

Accordingly, the Commission hereby grants an exemption to all the requirements contained within 10 CFR 50.71(e) for the Yankee Nuclear Power Station. However, this exemption will terminate in the event the licensee seeks to resume operating the facility.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (57 FR 30513).

This exemption is effective upon issuance.

Dated at Rockville, Maryland this 23rd day of July 1992.

For the Nuclear Regulatory Commission.

Bruce A. Boger,

Director, Division of Reactor Projects—III/
IV/V, Office of Nuclear Reactor Regulation.
[FR Doc. 92-20575 Filed 8-26-92; 8:45 am]

BILLING CODE 7590-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Protected Areas Amendments

August 19, 1992.

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of final protected areas amendments to the Columbia River Basin Fish and Wildlife Program and the Northwest Conservation and Electric Power Plan.

SUMMARY: On November 15, 1982, pursuant to the Pacific Electric Power Planning and Conservation Act (the Northwest Power Act, 16 U.S.C. 839, et seq.) the Pacific Northwest Electric Power and Conservation Planning Council (Council) adopted a Columbia River Basin Fish and Wildlife Program (program). The Council adopted the Northwest Conservation and Electric Power Plan (power plan) on April 27, 1983. The program and the power plan have been amended from time to time since then. In August, 1988, the Council incorporated into the program and the plan "protected areas" measures to protect critical fish and wildlife habitat from new hydropower development. The protected areas provisions provided processes for amending protected areas on various grounds. In November, 1991, in response to an announcement by the Council, the Council received a number

of petitions to amend protected areas. On the basis of these petitions, at its February 11-12, 1992 meeting, the Council voted to initiate rulemaking pursuant to section 4(d)(1) of the Northwest Power Act to consider amending certain protected areas provisions of the program and the power plan. This notice contains a brief description of the final amendments, describes how to obtain a full copy of the amendments and background information concerning them. Approximately 100 written and oral comments were received. The Council held public hearings in each of the four northwest states. At its June 10-11, 1992 meeting, the Council adopted the final amendments. At its August 12-13, 1992 meeting, the Council concluded the rulemaking by adopting its response to comments.

SUPPLEMENTARY INFORMATION: Thirteen petitions were received. Eight of the petitions sought removal of protected status so that hydro projects can proceed. Three of the eight were approved, four were deferred for later consideration, and one was withdrawn. Five petitions sought to add protected status to various reaches or subbasins. Two of the five were approved and three were deferred to later consideration. No petitions were received for protected areas in Montana or Oregon.

One of the petitions proposed protected area status based on a decision of the Idaho Legislature that the reach should be protected. On its own motion, the Council also included other Idaho river reaches with a similar status. The proposed amendment to include these reaches was approved.

FOR FURTHER INFORMATION CONTACT: Those wishing to receive the final amendments, a list of affected river reaches, or the response to comments, should contact the Public Affairs Division at the address or telephone numbers listed above.

Edward Sheets,

Executive Director.

[FR Doc. 92-20545 Filed 8-26-92; 8:45 am]

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Proposed Amendment and Extension of Time for Review of Council Statement of Policy Implementing Section 6(C)

August 20, 1992.

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council, Council).

ACTION: Proposed amendment to Statement of Policy Implementing Section 6(c) of the Pacific Northwest Electric Power Planning and Conservation Act of 1980 (16 U.S.C. 839 *et seq.*) (Northwest Power Act, Act).

SUMMARY: On November 13, 1986, the Northwest Power Planning Council, in conjunction with the Bonneville Power Administration (Bonneville), published a Statement of Policy Implementing Section 6(c) of the Northwest Power Act. (51 FR 42028, November 20, 1986). The Council agreed to initiate, at least every five years, a public policymaking regarding its section 6(c) consistency criterion "to evaluate evolving understandings of resource acquisitions and to assess the need for changes in interpretation." (Council's Statement of Policy at 4.)

During the five years since the adoption of the original section 6(c) Policy, the Council has made only one consistency determination under the policy. In early 1987, the Council found that Bonneville's Conservation/Modernization Program for Aluminum Smelters was consistent with the plan. (Letter to Mr. James J. Jura from Robert Duncan, Council Chairman, March 18, 1987.)

In December of 1990 and January of 1991, the Council exchanged letters of understanding with Bonneville regarding the applicability of section 6(c) to Bonneville's Billing Credits Solicitation. The Council believes it would be appropriate to incorporate that understanding into its section 6(c) Policy at this time.

In light of the resource acquisition activity that Bonneville may be expected to undertake over the next few years, it seems appropriate to address the application of section 6(c) to the payment or reimbursement of investigation and preconstruction expenses of the sponsors of major resources. Such payments are expressly mentioned in the Act as one Bonneville activity that calls for section 6(c) review if associated with a major resource.

Because there has been such limited experience in the use of section 6(c) review to date, the staff proposes leaving the section 6(c) Policy unchanged, except with respect to necessary editorial changes and the two activities mentioned below, unless commentors during this policymaking exercise raise significant issues that call for reconsideration at this time. The staff also proposes renewing the original five year review period for an additional five years. While the policy that results from this public process will become a final action for purposes of judicial

review under the Act, the Council would commit, as it did in the adoption of the original section 6(c) Policy, to consider revising the policy whenever experience demonstrates a need for change. The two proposed modifications to the policy are described below, followed by proposed changes in the language of the policy itself.

SUPPLEMENTARY INFORMATION: Section 6(c) of the Act provides that: "[f]or each proposal under subsection (a), (b), (f), (h) or (l) of this section to acquire a major resource, to implement a conservation measure which will conserve an amount of electric power equivalent to that of a major resource, to pay or reimburse investigation and preconstruction expenses of the sponsors of a major resource, or to grant billing credits or services involving a major resource * * * the Administrator is to undertake a public review process. The review requires, among others, a finding by the Administrator that a proposal is either consistent or inconsistent with the Council's power plan. The Administrator's determination is then sent to the Council, and the Council may thereafter make its own consistency determination. The Administrator may not implement any inconsistent proposal unless such a resource is determined to be necessary for Bonneville to meet its obligations under the Act and then only if Congress specifically authorizes an expenditure of funds."

PROPOSED AMENDMENTS: Because the Council is developing this statement as a matter of general Council policy, setting forth the Council's procedures and practice for section 6(c), it is not bound to the procedural requirements of the federal Administrative Procedure Act. Therefore, the Council will be free to hold consultations or receive oral comment up to the time it makes its final decision. The Council will consider revising its section 6(c) policy in the following areas.

(1) The Council proposes making necessary editorial changes so that the Council's section 6(c) policy will refer to the relevant portions of the current Power Plan. The Council also renews its commitment to review this policy at least every five years, and commits to consider revising the policy whenever experience demonstrates a need for change.

(2) The Council proposes amending the scope of its section 6(c) policy statement so that the policy would encompass all four Bonneville actions made subject to review for plan consistency, adding the actions that were not covered in the 1986 policy: Payment or reimbursement of

investigation and preconstruction expenses and billing credits or services associated with a major resource.

The following paragraph would replace Paragraph B. of the current policy.

B. Scope of Policy Statement

This policy statement applies to all the activities made subject to review under the Act, a Bonneville proposal to acquire a major resource, a Bonneville proposal to implement a conservation measure that will conserve an amount of electric power equivalent to that of a major resource, a Bonneville proposal to pay or reimburse investigation and preconstruction expenses of the sponsors of a major resource, and a Bonneville proposal to grant billing credits or services involving a major resource. The Council understands that Bonneville will review for consistency with the power plan proposed payment of investigation and preconstruction expenses for those major resources identified in its biennial Resource Program. Resources in the Resource Program will be generally described by technologies, fuel types, size ranges, total numbers of megawatts, approximate costs, environmental characteristics, and general geographic locations. This description should allow a meaningful determination of consistency for payment of investigation and preconstruction expenses. The Council understands that if Bonneville proposes to reimburse the sponsors of a major resource for investigation and preconstruction expenses, it will make a finding of probable consistency with the plan. This is the same standard the Council will apply, pursuant to section 6(c)(1)(D)(iii). The Council understands that if Bonneville offers billing credits, the section 6(c) determination will not be made at the time the Billing Credits Solicitation is published. If, however, a major resource is offered to Bonneville as a result of the solicitation, and the Administrator proposes to pay a billing credit for that resource, the Administrator will first undertake the required section 6(c) review. The Council is not determining any issue related to the consistency required pursuant to section 4(h)(1)(A) or any other provision of the Act.

The Council proposes to extend the time within which it will initiate a review of this policy to a maximum of five years from the date this revised policy is adopted. At the same time, the Council commits to reconsidering this policy before that time if experience demonstrates needed changes.

ADDRESSES AND OPPORTUNITY FOR COMMENT:

Written comment may be submitted either to Bonneville or to the Council, but must be received no later than 5 p.m., October 16, 1992. The Council may hold consultations and receive oral comment up to the time it makes its final decision, which will probably happen at the Council's regularly scheduled meeting to be held at the Sheraton Hotel in Billings,

Montana on November 18-19, 1992. Bonneville and the Council will exchange copies of all comments received during the comment period, so there is no need to submit duplicate copies.

To submit written comment to the Council, please note that you are commenting on Council Document Number 92-10 and send your comment to Mr. Steve Crow, Director of Public Affairs, Northwest Power Planning Council, 851 SW. 6th Avenue, Suite 1100, Portland, OR 97204-1348. Oral comment will be taken at the Council's regularly scheduled meeting to be held at the Westwater Hotel, Olympia, Washington on October 14-15, 1992. To request a copy of the Council's 1986 Statement of Policy Implementing section 6(c) or related documents, please call the Council's Public Affairs division at (503) 222-5161 or (800) 222-3355.

Edward W. Sheets,

Executive Director.

[FR Doc. 92-20544 Filed 8-26-92; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-31057; File No. SR-AMEX-92-33]

Self-Regulatory Organizations; Filing and Order Granting Accelerated Approval of Proposed Rule Change by the American Stock Exchange, Inc., Relating to an Extension by Five Minutes of the Exercise Cut-Off Time for American-Style Stock Index Options

August 19, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on July 20, 1992, the American Stock Exchange, Inc. ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to amend Exchange Rule 980C to extend the daily exercise cut-off time for (1) receipt or preparation by member firms of memoranda to exercise American-style index options and (2) the submission of

exercise advice notices for the exercise of 25 or more American-style index options. Specifically, the Exchange proposes to extend the daily cut-off time for the receipt or preparation of exercise memoranda and exercise advices for American-style index options to five (5) minutes after the close of trading, generally establishing a 4:15 p.m. Eastern Standard Time ("EST") cut-off time. In addition, the Amex proposes to clarify Exchange Rule 980C by deleting references to the Amex's Major Market Index ("XMI") option, which no longer has an American-style exercise.

The text of the proposed rule change is available at the Office of the Secretary, Amex and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organizations included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Currently, Exchange Rule 980C requires all member firms to receive or prepare a memorandum to exercise any American-style stock index option contract by 4:10 p.m. EST.¹ In addition, for any account exercising 25 or more such contracts in any one series, the firm must also submit an exercise advice form to the Exchange by 4:10 p.m. EST. The exercise advice form is an Exchange reporting form indicating the quantity of options being exercised, their options series, and the clearing number and account number of acronym for the entity submitting the advice. These procedures apply to the exercise of American-style stock index options on every business day except expiration Fridays.

Presently, two American-style stock index options trade on the Amex: The Oil Index and the Computer Technology

Index. These narrow-based indexes trade until 4:10 p.m. EST, the same time as the deadline for member firms to (i) receive or prepare memoranda to exercise such options and (ii) submit exercise advice forms to the Exchange (if the account is exercising 25 or more contracts in the same series). The practical impact of the simultaneous cut-off time of 4:10 p.m. EST for the procedures set forth in Exchange Rule 980C and the close of trading is that market participants are required to adhere to Exchange Rule 980C's procedures prior to the close of trading of such options.

The Amex proposes to amend Exchange Rule 980C to extend the daily cut-off time for the receipt of preparation of exercise memoranda and exercise advices for American-style index options to five (5) minutes after the close of trading, effectively establishing a 4:15 p.m. EST cut-off time. The Amex believes that its proposal will provide market participants with the ability to make exercise decisions based upon their final positions, after having completed trading for the day. Furthermore, the Amex believes that the proposal will enable traders and specialists to devote their attention to market making and specialist activities until 4:10 p.m. EST without having to be concerned about the preparation and submission of exercise advices. The Amex notes that the Chicago Board Options Exchange ("CBOE") and the Pacific Stock Exchange ("PSE") recently have adopted similar rules which have been approved by the Commission.²

Lastly, the Amex proposes several nonsubstantive changes to clarify certain provisions of Exchange Rule 980C. These changes include the deletion of all references to the XMI, which no longer has an American-style exercise.

The Amex believes that the proposed rule change is consistent with section 6(b) of the Act, in general, and with section 6(b)(5), in particular, in that it is designed to remove impediments to and perfect the mechanism of a free and open market and the national market system.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Amex believes that the proposed rule change will not impose a burden on competition.

¹ As proof that the memorandum to exercise was received or prepared prior to the 4:10 p.m. deadline, the memorandum must be time stamped by the member firm at the time it is prepared or received.

² See Securities Exchange Act Release Nos. 29860 (October 25, 1991), 56 FR 56254 [order approving File No. SR-CBOE-91-28] and 30152 (January 6, 1992), 57 FR 1776 [order approving File No. SR-PSE-91-46].

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Amex has requested that the proposed rule change be given accelerated effectiveness pursuant to section 19(b)(2) of the Act.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6.³ Specifically, the Commission believes that the proposal will allow market participants to make investment decisions based upon the evaluation of their final positions after having completed trading for the day.

The Commission also believes that the proposal will benefit the market in general by fostering higher quality markets at the close of the trading day. First, market makers will not be preoccupied with the process of submitting exercise advice forms prior to the actual close of the market and, therefore, can concentrate more fully on providing a quality market at the close. Second, market participants will be able to determine whether or not their orders on other related markets were executed, such as orders intended to hedge their options positions. If their hedging transactions in other markets are not executed by 4:15 p.m. EST, then market participants, under the proposal, will still be able to exercise their options positions and not remain in an unhedged position overnight. Third, the proposal will give market participants additional time to evaluate the closing prices of the stocks that are used to calculate the indexes and determine whether or not to exercise their positions. Finally, the proposal will structure the Amex's rule to coincide with those of the CBOE, the PSE and the Chicago Mercantile Exchange ("CME").⁴ As a result, the Commission believes that extending the Amex's exercise notice cut-off time for American-style index options will make the Exchange's options markets more competitive with other derivative markets.

In addition, the Commission believes that the proposal to delete references to the XMI from Exchange Rule 980C will help to clarify the application of the rule.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in the Federal Register. The Commission finds that the Amex's proposal to extend the deadline for submitting exercise advice forms and preparing exercise memoranda is identical to the CBOE and PSE proposals previously approved by the Commission and raises no new issues.⁵ The Commission notes that it received no comments on either the CBOE or the PSE proposal. In addition, as discussed above, the change will provide a variety of benefits to market participants. Finally, the Commission believes that approving the Amex's proposal on an accelerated basis will allow the Amex to compete with the CBOE and the PSE on an equal basis, and that the deletion of references to the XMI will facilitate the orderly application of the rule. Accordingly, the Commission believes that granting accelerated approval of the proposed rule change is appropriate and consistent with Section 6 of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by September 17, 1992.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act,⁶ that the

proposed rule change (File No. SR-Amex-92-33) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 92-20505 Filed 8-26-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-31062; File No. SR-Amex-92-24]

Self-Regulatory Organizations; Filing of Proposed Rule Change by American Stock Exchange, Inc. Relating to Cabinet Trading of Certain Equity and Derivative Securities

August 20, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on July 27, 1992, the American Stock Exchange, Inc. ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is amending Amex Rule 25 to clarify that a "designated" security under the rule is defined as any equity or derivative security, other than a bond or option, in which there is no bid or buying interest at a price equal to or higher than the minimum transaction price that may be reported through the Exchange's market data system¹ and the Consolidated Quotation System.

The following is the text of the proposed rule change with italics indicating material to be added and brackets indicating material to be deleted:

Rule 25—Cabinet Trading of Equity and Derivative Securities
(a)-(b)—No change.

Commentary

.01 For the purposes of this rule, a "designated" security is defined as any

³ 15 U.S.C. 78f(b)(5) (1988).

⁴ See CBOE Rule 11.1, Interpretations and Policies .03, PSE Rule 7.15, and CME Rule 550. Under CME rules, market participants have an additional five minutes to settle trades after 3:15 p.m. Central Time.

⁵ See *supra* note 2.

⁶ 15 U.S.C. 78s(b)(2) (1982).

¹ MDS is the Amex's system for the collection and reporting of market information operated by the Securities Industry Automation Corporation ("SIAC"), which processes and disseminates trade information to the Consolidated Tape.

equity or derivative² security, other than a bond or option, in which there is no bid or buying interest at a price equal to or higher than the minimum price [at which such a security may trade on] which can be disseminated in a defined computer-readable format by the Exchange's equity market data system to the facilities of the Consolidated Tape System/Consolidated Quotation System (currently 1/256 of \$1.00).

.02 No change.

.03 Should buying interest develop which would cause the "designated" security to trade at or above the minimum [fraction] reportable price referred to in Commentary .01 above, [(1/256 of \$1.00) at which securities trade on the Exchange,] the security will revert to the regular trading procedures.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to amend Commentary .01 and .03 to Rule 25 to clarify that a "designated" security pursuant to the rule is defined as any equity or derivative security, other than a bond or option, in which there is no bid or buying interest at a price equal to or higher than the minimum price that may be reported through the Exchange's market data system to the facilities of the Consolidated Quotation System (currently 1/256 of \$1.00). The rule currently refers to that price as the minimum price at which a security may trade on the Exchange, and strictly speaking, as a technical matter that is not accurate. Transactions may be effected on the Exchange below such price, and such transactions could even be reported to the Consolidated Tape as

administrative messages. However, at the present time, only prices at or over 1/256 of \$1.00 may be disseminated in a defined, computer-readable format by the Exchange's equity market data system to the facilities of the Consolidated Tape or Consolidated Quotation System. Accordingly, this amendment will not effect any substantive change at all, but will more accurately describe the benchmark price which the Exchange is using to determine when a security is appropriate for the cabinet.

2. Statutory Basis

The proposed rule change is consistent with section 6(b) of the Act in general and furthers the objectives of section 6(b)(5) in particular in that it is designed to promote just and equitable principles of trade.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the *Federal Register* or within such other period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission

and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to File No. SR-Amex-92-24 and should be submitted by September 17, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 92-20513 Filed 8-26-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-31058; File No. SR-MBS-92-02]

Self-Regulatory Organizations; MBS Clearing Corporation; Filing of Proposed Rule Change Relating to Major Systems Enhancements

August 19, 1992.

Pursuant to section 19(b)(2) of the Securities Exchange Act of 1934 ("Act"),¹ notice hereby is given that on March 27, 1992, the MBS Clearing Corporation ("MBS") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (File No. SR-MBS-92-02) as described in Items I, II, and III below, which items have been prepared by MBS, a self-regulatory organization ("SRO"). The Commission is publishing this notice to solicit comments on the proposed rule changes from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

MBS proposes to add a variety of major operational enhancements, including: (1) Two new systems for processing Eligible Securities,² i.e., a Comparison and Clearing System ("CCS")³, and a Comparison-Only

¹ 15 U.S.C. 78s(b)(2) (1988).

² The term "Eligible Security," in this context, means a security that MBS has determined is eligible for services provided by one or more MBS systems. Proposed MBS Rules, Art. I, Rule 1.

³ The term "CCS" means MBS's proposed system for comparing trade input, margining, and comparing clearance information concerning transactions in eligible securities between Participants. *Id.*

² The Exchange added the words "equity or derivative" which were omitted in the original filing. See letter from Claudia Crowley, Special Counsel, Amex to Edith Hallahan, Attorney, SEC, dated July 30, 1992.

System ("COS");⁴ (2) a new category of Limited Purpose Participants⁵ that will use COS; (3) a revised Account Structure, which will permit the processing of different types of transactions within a single account and the netting of Cash Settlement obligations⁶ and Market Margin Differential Deposit requirements;⁷ (4) revised procedures regarding "Broker Give-Up Trades";⁸ (5) revised systems relating to the clearance and settlement of "SBO-Destined Trades";⁹ (6) expanded requirements for "reporting of clearance"; (7) expanded "Cash Balance" netting¹⁰ on aggregated Participant's accounts; (8) revised procedures for the computation and payment of Market Margin Differential Deposits; (9) revised standards for Participants' electronic equipment and reports; and (10) revised procedures for SBO-Destined Trades of a Participant in liquidation.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

In its filing with the Commission, the SRO included statements concerning the purpose of and basis for the proposed rule changes. The text of these statements may be examined at the places specified in item IV. MBS has set forth below in Sections A, B, and C below the most significant aspects of such statements.

⁴ The term "COS" means MBS's proposed system for comparing trade input concerning transactions in eligible securities, but does not involve margining or comparing clearance information. *Id.*

⁵ The term "Limited Purpose Participant" means any person qualified to participate in COS or, to the extent permitted by MBS procedures, any other MBS system except CCS. *Id.*

⁶ The term "Cash Settlement" refers to the payment each business day by MBS to a Participant or by a Participant or Limited Purpose Participant to MBS. *Id.*

⁷ The term "Market Margin Differential Deposit" means the amount a Participant is required to deposit to MBS's Participant Fund under Article IV, Rule 2 of MBS's Rules. Existing MBS Rules, Art. I, Rule 1.

⁸ In this context, the term "Broker Give-Up Trade" means an SBO-Destined Trade or Trade-for-Trade transaction in which a broker acting on behalf of selling and purchasing Dealers temporarily is identified in Purchase and Sales Reports and Open Commitment Reports initially delivered by MBS as the Original Contra-Side Participant with respect to each Dealer, with the Dealers to be substituted on the Broker Give-Up Date. Proposed MBS Rules, Art. I, Rule 1.

⁹ "SBO" or a "Settlement Balance Order" is one of MBS's basic processing services. SBO allows participants to reduce, by about 90%, eligible clearing obligations and related expenses via a netting cycle. An "SBO-Destined Trade" refers to a transaction in CCS intended for netting in accordance with MBS's Rules. *Id.*

¹⁰ The term "Cash Balance" means the net amount computed by the MBS each business day with respect to each Participant or Limited Purpose Participant under MBS's Rules. *Id.*

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

(a) Purpose

The purpose of the proposed rule changes is to accommodate ten fundamental enhancements to MBS's systems for comparing, margining, and clearing transactions in Eligible Securities as set forth in detail below. Additionally, the proposal includes numerous changes of a technical and conforming nature of MBS's Rules.

1. *Systems.* Under its current rules, MBS processes transactions through one of two systems: (i) The "SBO System," where settlement obligations result from the netting of transactions in a given Settlement Class; or (ii) the "Trade-for-Trade System," where settlement obligations remain on a Trade-for-Trade basis at the contract price. The proposed rules replace references to those two procedures with the term "Systems." Each MBS System, including SBO and Trade-for-Trade, will provide a specific set of services to MBS Participants or Limited Purpose Participants (as described below) who elect and are qualified to participate in that System. While initially, the proposed Rules provide for only two Systems (*i.e.*, CCS and COS), MBS may establish other systems from time to time as specified in its Procedures.

CCS is the System previously operated by MBS for comparing trade input, computing margin, and comparing clearance information with respect to transactions in Eligible Securities between Participants. Trade-for-Trade transactions, SBO-Destined Trades, and Option Contracts all may be processed through CCS. The proposed COS is a System for comparing trade input with respect to transactions in Eligible Securities. Transactions processed through COS will not be margined and will not be eligible for netting. No broker¹¹ transactions will be permitted in COS.¹²

2. *Participants and limited purpose participants—(i) Participants.* MBS Participants are eligible to participate in either the CCS or the COS. CCS includes netting and, as a result of netting of SBO-Destined Trades, may pair firms that did not originally trade with one another. CCS, however, is designed to protect against market risk and Participants in CCS are required to satisfy specific minimum financial

requirements based on net worth or regulatory capital, as determined by MBS. Existing minimum net worth and regulatory capital requirements remain unchanged by this proposal,¹³ except the proposal eliminates the credit formerly given to mortgage bankers for mortgage servicing rights.¹⁴

(ii) *Limited purpose participants.* The proposed rules authorize a new category of Participants, designated as "Limited Purpose Participants," who may not participate in CCS but who may participate in COS or such other Systems allowed by the MBS Procedures. Limited Purpose Participants, however, are subject to all MBS rules except those rules that relate specifically to CCS.¹⁵ Because participation by Limited Purpose Participants in COS does not involve the same risks as participation in CCS, they are not subject to specific net worth or regulatory capital requirements or Clearing Fund requirements.

3. *Account structure.* Under the current rules, MBS maintains for each Participant a "Dealer Account Group" or, if the Participant acts as a Broker, a "Broker Account Group." Within each such Account Group, MBS maintains one or more of the following Accounts, as directed by the Participant: (1) A Trade-for-Trade Account for processing transactions through the Trade-for-Trade System; (2) an SBO Account for processing transactions through the SBO System and the Trade-for-Trade system; and (3) an Option Account for recording Option Contracts.

The proposed rules eliminate the concept of separate Account Groups for Trade-for-Trade Accounts, SBO Accounts, and Option Accounts. Instead, a Participant may use a single Account in CCS for the processing of: (1) Trade-for-Trade Transactions, (2) SBO-Destined Trades, (3) SBO Trades, and (4) Option Contracts. Nevertheless, Participants may elect to maintain more than one Account, provided MBS approves the accounts. Dealer transactions¹⁶ and broker transactions¹⁷ must be processed through separate "Dealer Accounts" and "Broker Accounts." Nonetheless, a Participant may elect to have some or

¹³ The minimum net worth is \$5,000,000 for mortgage bankers and \$10,000,000 for other categories of Participants. *Id.*, Art. III, Rule 1, section 2, 1.

¹⁴ *Id.*, Art. III, Rule 1, section 2, ¶ 2.

¹⁵ *Id.*, Art. III, Rule 1, sections 1-3.

¹⁶ The term "Dealer," in this context, means an MBS Participant that is in the business of buying and selling securities as principal, either directly or through a Broker. MBS Rules, Art. I, Rule 1.

¹⁷ *Supra*, note 11.

¹¹ The term "broker," in this context, means an MBS Participant that is in the business of buying and selling securities as an agent for Dealers. Existing MBS Rules, Art. I, Rule 1.

¹² Proposed MBS Rules, Art. II, Rule 2, § 1.

all of its Dealer Accounts or some or all of its Broker Accounts aggregated for purposes of computing its daily Cash settlement obligations and Market Margin Differential Deposit requirements.¹⁸

4. Broker give-up trades—(i) Trade submission. Under current MBS rules, trade input with respect to transactions involving a Broker is submitted only by the Broker acting on behalf of the selling and purchasing Dealers. Such pre-compared transactions are reported to the Broker in an Audit Report and to the participating Dealers by means of a Purchase and Sale Report,¹⁹ in which the Broker is temporarily identified as the Original Contra-Side Participant²⁰ with respect to both the purchasing and the selling Dealers. The Dealers are substituted for the Broker on the Broker Give-Up Date,²¹ and such substitution is reflected in the Dealers' Open Commitment Reports²² for that date and a Broker Give-Up Report delivered to the Broker.

5. SBO trades—(i) Netting. Under the current Rules, SBO Trades are netted by Settlement Class in an SBO Netting Chain³⁰ to the maximum amount possible to produce an SBO Trade, without regard to whether the SBO Trade will be effected between Original Contra-Side Participants. Under the existing netting procedure, MBS: (1) Offsets purchase and sale transactions between the Participant and the Original Contra-Side Participant to such transactions (Netted Positions); (2) to the extent that any purchase and sale transactions cannot be so offset, MBS offsets purchase and sale transactions among the Participant and any of its Original Contra-Side Participants (*i.e.*, Net-Out Positions);³¹ and (3) to the

extent that any purchase and sale transactions still cannot be offset (Net Open Positions),³² MBS assigns the Participant one or more SBO Trades offsetting such Net Open Positions in that particular Settlement Class. The Settlement Price of each SBO-Trade is the Class Average Price.³³

Under the proposed rules, all parties to a transaction involving a Broker are required to submit trade input. Trade input submitted by each Dealer on whose behalf the Broker is acting must: (1) Identify the Broker as the Original Contra-Side Participant, and (2) specify the contract price payable to or by the Dealer, net of commission. Trade input submitted by the Broker must identify: (1) Each Dealer on whose behalf the Broker is acting, (2) the contract price inclusive of commission, (3) the amount of the commission, and (4) the Dealer(s) responsible for payment of the commission. Commissions on fully matched trades will be included in the Cash Settlement at predetermined intervals.²³

(ii) **Trade comparison.** Under the proposed Rules, transactions involving a Broker will be considered "Fully Compared" if the trade input submitted by the Broker matches the trade input submitted by each Dealer in accordance with the "Match Mode" elected by the Dealer. Such transactions will be considered "Partially Compared" if trade input submitted by the Broker matches the trade input submitted by one but not both of the Dealers. Any SBO-Destined Trade that is Partially Compared on the netting date in the applicable settlement cycle will automatically be covered to a Trade-for-Trade transaction.²⁴

(iii) **Match modes.** Dealers may elect one of the three Match Modes with respect to transactions involving a Broker: (1) An Exact Match Mode, in which trade input that matches in all other respects will be compared only if the Par Amount of Eligible Securities reported to have been sold or purchased by the Dealer for a particular transaction is identical to the Par Amount for a particular transaction reported by the Broker; (2) a Net Position-Match Mode, in which trade input that matches in all other respects will be compared only if the Par Amount of Eligible Securities reported to have been sold or purchased by the Dealer equals the aggregate Par Amount for one

or more transactions reported by the Broker; or (3) a Maximum Match Mode, in which trade input that matches in all other respects will be compared to the extent that the Par Amount of Eligible Securities reported to have been sold or purchased by the Dealer does not exceed the aggregate Par Amount for one or more transactions reported by the Broker, with transactions reported by the Broker in any excess Par Amount remaining uncompared. Regardless of the Match Mode elected by a Dealer, MBS will first attempt to compare each transaction using the Exact Match Mode, applying another Match Mode only to the extent necessary to effect a comparison.²⁵

(iv) **Dealer responsibility.** The current rules provide that if any Dealer identifies a discrepancy in the information contained in the Purchase and Sale Report, the Dealer must notify the Broker. Following such notification, the Broker is responsible for resolving the discrepancy and submitting the corrected trade input to MBS.

Under the proposed Rules, any transaction as to which trade input submitted by a Dealer has compared with trade input submitted by a Broker will be listed in the Dealer's Purchase and Sale Report and Open Commitment Report, and the Dealer will be fully responsible for the transaction.²⁶ Any transaction as to which trade input submitted (or not submitted) by a Dealer does not compare with trade input submitted by a Broker will be listed in the Dealer's Unmatched Margin Report.²⁷ Unless and until a Dealer submits a DK of a transaction listed in the Dealer's Unmatched Margin Report, the Dealer will be responsible for any Market Margin Differential debits arising from such transaction and may, in the event of a liquidation, be fully responsible for the transaction.²⁸ The foregoing provisions essentially replicate the effect of pre-compared trade input by Brokers under the current MBS Rules.²⁹

Under the proposed Rules, SBO-Destined Trades are netted by Class according to essentially the same procedures. (In the proposed Rules, the term "Class" replaces the former term "Settlement Class.") The proposed Rules, however, distinguish netting to produce SBO Trades between Original

¹⁸ Proposed MBS Rules, Art. II, Rule 1, section 2.

¹⁹ The term "Purchase and Sale Report" means the report furnished by MBS that reflects compared transactions in Eligible Securities by a Participant or Limited Purpose Participant. *Id.*, Art. I, Rule 1.

²⁰ The term "Original Contra-Side Participant" means the Participant with whom another Participant has entered into a contract for the purchase or sale of an Eligible Security or an Option Contract. Existing MBS Rules, Art. I, Rule 1.

²¹ The term "Broker Give-Up Date" means the date on which Dealers, for which a Broker has acted in a Give-Up Trade, are substituted for the Broker. Existing MBS Rules, Art. I, Rule 1.

²² The term "Open Commitment Report" means the report furnished by MBS to its Participants reflecting Participants' open commitments in CCS. Proposed MBS Rules, Art. I, Rule 1.

³⁰ The term "SBO Netting Chain" refers to a series of purchases and sales of securities in a particular settlement class that have been offset in the SBO netting process. *Id.*, Art. I, Rule 1.

³¹ The term "Net-Out Positions" means the result of offsetting purchase and sale SBO-Destined Trades among different Original Contra-Side Participants under MBS Rules. *Id.*, Art. I, Rule 1.

³² The term "Net Open Positions" mean any open positions that cannot be offset under MBS's Rules. *Id.*, Art. I, Rule 1.

³³ *Id.*, Art. II, Rule 5, sections 4.

²³ *Id.*, Art. II, Rule 3, 1; see also Rule 3, section 4.

²⁴ *Id.*, Art. II, Rule 3, section 2.

²⁵ *Id.*, Art. II, Rule 3, section 3.

²⁶ *Id.*, Art. II, Rule 4, section 3-5.

²⁷ The term "Unmatched Margin Report" means the report furnished by MBS to Dealers listing transactions by Brokers that have not compared. *Id.*, Art. I, Rule 1.

²⁸ *Id.*, Art. II, Rule 4, section 5.

²⁹ Existing MBS Rules, Art. II, Rule 4.

Contra-Side Participants ("SBOO Trades")³⁴ and netting to produce SBO Trades between Non-Original Contra-Side Participants ("SBON Trades").³⁵ This distinction requires a change in computation of the Settlement Price for SBO Trades. The Settlement Price of SBOO Trades will be the Firm Class Average Price ("FCAP").³⁶ The Settlement Price of SBON Trades will be the Class Average Price ("CAP") of all SBO-Destined Trades in the Class that have been netted to produce the SBON Trade.³⁷ As a result of this change, only SBON Trades will be subject to SBO Market Differential and Cash Adjustments.³⁸

(ii) *SBO market differential.* Under the current Rules, MBS computes SBO Market Differential for all Accounts of a Participant within each of its Account Groups. On the Settlement Date, the current Rules require any Participant with a positive SBO Market Differential to pay such amount to MBS by Federal funds wire transfer, and MBS to pay to the account of any Participant with a negative SBO Market Differential such amount by Federal funds wire transfer. In actual practice, to insure MBS's ability on the Settlement Date to make required payments to Participants with negative SBO Market Differential, MBS has required Participants with positive SBO Market Differential to pay MBS the day before the Settlement Date.

The proposed Rules are intended to conform the Rules with current practice. The proposed Rules, therefore, provide that any net negative SBO Market Differential with respect to any Account or set of Aggregated Accounts of a Participant will be charged against the Participant's Cash Balance for that Account or set of Aggregated Accounts on the day preceding the Settlement Date, and any net positive SBO Market Differential will be credited to such Account or set of Aggregated Accounts on the Settlement Date. Interest on the amount of any payment charged against a Participant's Cash Balance will be credited to the Participant on a date that will be specified in MBS's Procedures, at

a rate to be determined from time to time by MBS.³⁹

(iii) *Cash adjustment.* The current Rules require MBS to calculate an "SBO Cash Adjustment," which is owed by or to a delivering or receiving Participant, in order to compensate for any differences between the amortized value of securities that was originally reported to MBS following the Trade Date and the amortized value of securities actually delivered at settlement. For SBO Trades involving a Broker, MBS also calculates a "Broker Adjustment" that is included in SBO Cash Adjustment to be paid by or the delivering and receiving dealers on whose behalf the Broker has acted.

The proposed Rules provide that the Cash Adjustment for SBON Trades will be equal to a Participant's SBO Market Differential in the Class multiplied by the percentage by which the amortized value of Eligible Securities delivered or received by the Participant on the Clearance Date if greater or less than the Par Amount. For a Participant with a Net-Out Position in any Class, the Cash Adjustment will be an amount equal to: (1) The amount by which the total Cash Adjustments payable by the delivering and receiving Participants in SBON Trades in such Class is greater or less than the amount payable by MBS to such Participants, multiplied by (2) the percentage that such Participant's Net-Out Units in the Class constitutes the Net-Out Units of all Participants in the Class. The term "Net-Out Unit" refers to an SBO-Destined purchase transaction and an SBO-Destined sale transaction that have been offset through netting. Because Dealers will automatically be substituted for Brokers in any Fully Compared Broker Give-Up Trade prior to netting, the reference to "Broker Adjustments" in the current Rules has been deleted from the proposed rules as unnecessary.⁴⁰

6. *Reporting of clearance.* The current Rules provide separate procedures for the reporting of clearance of Trade-for-Trade transactions and SBO Trades. Upon clearance of a Trade-for-Trade transaction, both the selling and the purchasing Participant are required to submit a cancellation of the transaction to MBS. If a notice of cancellation is received from only one Participant, SBO will so indicate on each Participant's Uncompared Advisory List. Each Participant is then required to determine whether clearance actually occurred and to submit a corrected report to MBS. In the case of SBO Trades, Participants

are required to report clearance of a transaction by providing MBS and SBO Notification of Settlement. If the information submitted by each SBO Contra-Side Participant compares in whole or in part, the SBO Trade (or that portion of the SBO Trade for which information compares) will be deleted from the Participants' respective Open Commitment Reports. If the information does not compare, or compares only in part, MBS will so indicate in each Participant's Uncompared Advisory List.⁴¹

The proposed Rules provide for two-sided comparison of settlement information submitted by Participants in connection with both SBO Trades and Trade-for-Trade transactions. In the case of an SBO Trade, both the delivering and the receiving Participant must submit a Notification of Settlement. In the case of a Trade-for-Trade transactions, the delivering and receiving Participants must submit a Notification of Settlement unless both Participants agree to submit a cancellation of the transactions or a combination of a Notification of Settlement and a cancellation.⁴²

To the extent that information in a Notification of Settlement does not compare (or, in the case of a Trade-for-Trade transaction, any uncompared portion of the transactions has not been cancelled), the trade (or uncompared or uncanceled portion thereof) will continue to be reflected on each Participant's Open Commitment Report and will remain subject to Market Margin Differential Deposit requirements.⁴³

7. *Cash balance.* The proposed Rules provide for the daily computation of "Cash Balance" payable to or receivable from MBS for each Account maintained by a Participant or Limited Purpose Participant. For Participants in CCS, the Cash Balance is the net positive or negative amount resulting from the computation of SBO Market Differential obligations, Cash Adjustment obligations, commissions owed or earned, fees, fines and interest payable or owed. For Participants or Limited Purpose Participants in COS, the Cash Balance will be a net negative amount resulting from the computation of charges for services rendered and any fines payable or interest owed.⁴⁴

With respect to those Accounts that a Participant or Limited Purpose Participant has requested to be

³⁴ The term "SBOO Trade" means an SBO trade that MBS directs a Participant to effect with an SBOO Contra-Side Participant. Proposed MBS Rules, Art. I, Rule 1.

³⁵ The term "SBON Trade" means a trade that MBS directs a Participant to effect with an SBON Contra-Side Participant. *Id.*, Art. I, Rule 1.

³⁶ The term "FCAP" means the average purchase or sale contract price of a Participant's SBO-Destined Trades with a particular Original Contra-Side Participant in a particular Class. *Id.*, Art. I, Rule 1.

³⁷ *Id.*, Art. I, Rule 1.

³⁸ *Id.*, Art. II, Rule 5, sections 4-5.

³⁹ *Id.*, Art. II, Rule 5, section 4, ¶ 3.

⁴⁰ Existing MBS Rules, Art. II, Rule 5, section 5.

⁴¹ Proposed MBS Rules, Art. II, Rule 7.

⁴² *Id.*, Art. II, Rule 7, section 1.

⁴³ *Id.*, Art. II, Rule 7, section 2.

⁴⁴ *Id.*, Art. II Rule 5, sections 4-5.

aggregated, MBS will net the positive or negative Cash Balance for each Account to produce a single Cash Settlement obligation for that set of Aggregated Accounts.⁴⁵

8. *Daily market margin differential deposits.* Under the current Rules, Market Margin Differential is computed each Business Day for each account maintained by a Participant. Market Margin Differential for each Account is calculated by determining with respect to each Settlement Class the net amount by which the current market value of the Participant's obligations exceeds the original contract price with respect to such obligations for all transactions other than those with a Pending Settlement Date or an Impending Expiration Date. A separate calculation is made with respect to those transactions with an Impending Settlement Date or an Impending Expiration Date. The sum of these amounts is "Market Margin Differential."⁴⁶

The proposed Rules eliminate the concepts of Impending Settlement Date and Impending Expiration Date. Under the proposed Rules, transactions are designated as: (1) Forward Transactions (transactions for which the Settlement Date or, in the case of Option Contracts, the expiration date has not occurred); (2) Fails (transactions for which clearance or, in the case of Options Contracts, exercise has not been reported to MBS between the Settlement Date and a cut-off date specified in the Procedures); or (3) Aged Fails (transactions for which clearance or exercise has not been reported to the Corporation after the specified cut-off date). A separate computation of Market Margin Differential is made daily for each Forward Transaction, Fail and Aged Fail in each Class in each Account maintained by a Participant.

For Forward Transactions, Profits and Losses (positive or negative differences between current market value and original contract price or, in the case of Option Contracts, strike price) are netted by Class and across Classes. For Fails, Profits and Losses are netted within a particular Class, but Profits in one Class do not offset Losses in another Class. For Aged Fails, only Losses are taken into account. The result is increasingly stringent margin requirements as a transaction ages.

Computations of Market Margin Differential are based on transactions in which a Participant has either a Long Position or a Short Position. In the case

of a transaction involving a Broker, a Long Position or Short Position may exist for a Dealer either if trade input with respect to the transaction has compared for that Dealer or if trade input has not compared but the Dealer has failed to DK (*i.e.*, don't know) the transaction as reported on its Unmatched Margin Report. These provisions are necessary to assure that adequate margin is maintained in the event of a liquidation.⁴⁷

9. *Communications and reports—(i) Communications.* Each Participant and Limited Purpose Participant will be required to maintain such data processing and communications equipment as MBS may specify to process transactions through the facilities of MBS and to receive reports, notices and other communications relating to such transactions prepared by MBS. Provisions in the current Rules relating to physical delivery of trade input and reports have been eliminated.⁴⁸

(ii) *Reports.* The Uncompared/Advisory List,⁴⁹ which currently is provided to purchasing and selling Participants that have submitted inconsistent trade input, is being eliminated. The proposed Rules provide that transactions that have not compared will be reported on a new Transaction Summary Report.

The Audit Report and Broker Give-Up Report currently used in connection with transactions involving a Broker have also been eliminated. Under the proposed Rules, all Fully Compared and Partially Compared transactions as to which the transactions have compared will be reported on the Purchase and Sale Report of each Dealer and Broker. The Purchase and Sale Report serves as the sole confirmation of, and evidences a binding and enforceable obligation of the parties to, the transaction.⁵⁰

Any transaction involving a Broker which has not compared as to a particular Dealer will be reflected in a new Unmatched Margin Report.⁵¹ Until the Dealer submits a DK of such transaction, the transaction will be subject to the payment of Market Margin Differential Deposits with respect to the transaction the same as if the transaction had been listed on the Dealer's Open Commitment Report.⁵²

(iii) *Processing passes.* The current rules reflect MBS's existing practice of "batch processing" trade input overnight and delivering reports at the opening of the following Business Day. The proposed Rules will introduce the concept of Processing Passes. The first processing pass will occur overnight and result in availability of reports at the opening of the next Business Day. The second processing pass will occur the same Business Day as reports initially become available following a cut-off time specified in the Procedures. The second processing pass will afford Participants and Limited Purpose Participants the opportunity, among other things to cancel trades that they may have reported in error and afford Dealers the opportunity to DK trades appearing on their Unmatched Margin Reports.⁵³

10. *Liquidation.* The current Rules state that, in the event of liquidation of a Participant for which MBS has ceased to act, SBO Trades will be reprocessed as Trade-for-Trade transactions prior to liquidation. MBS has determined that, from an administrative standpoint, this is impractical and had previously advised Participants that the Rules would be changed to require SBO Contra-Side Participants to liquidate SBO Trades. The proposed Rules implement this change and make it clear that an SBO Contra-Side Participant that follows the liquidation procedures specified in the Rules in good faith will not thereby incur any liability to Original Contra Side Participants.⁵⁴

The proposed Rules also expand provisions for the payment of claims. In the event that available funds are more than sufficient to cover all other losses incurred by Contra-Side Participants, MBS will apply any excess funds pro rata to cover principal and interest claims for transactions that failed to settle prior to the record date.⁵⁵

(b) *Statutory basis of the proposal.* MBS believes that the proposed systems enhancements are consistent with the Act, particularly: (1) Sections 17A(b)(3)(A) and (F) of the Act⁵⁶ in that the enhancements will facilitate the prompt and accurate comparison, clearance, and settlement of securities transactions; and (2) Section 17A(a)(1) of the Act⁵⁷ in that the enhancements

⁴⁷ Proposed MBS Rules, Art. IV, Rule 2.

⁴⁸ *Id.*, Art. V, Rule 4.

⁴⁹ Existing MBS Rules, Art. II, Rule 7, section 1.

⁵⁰ Proposed MBS Rules, Art. II, Rule 7.

⁵¹ The "Unmatched Margin Report" refers to uncompared trades.

⁵² Proposed MBS Rules, Art. II, Rule 4, section 5.

⁵³ *Id.*, Art. II, Rule 4, section 1.

⁵⁴ *Id.*, Art. III, Rule 3, section 5.

⁵⁵ *Id.*, Art. III, Rule 3, section 5(g).

⁵⁶ 15 U.S.C. section 78q-1(b)(3)(A) and (F) (1988).

⁵⁷ 15 U.S.C. section 78q-1(a)(1) (1988).

⁴⁵ *Id.*, Art. II, Rule 1, section 2.

⁴⁶ Existing MBS Rules, Art. IV, Rule 2.

will help eliminate inefficient clearance and settlement procedures that impose unnecessary costs on investors and persons facilitating transactions by and on behalf of investors.

B. Self-Regulatory Organization's Statement on Burden on Competition

MBS believes that no burden will be placed on competition as a result of the proposed rule changes.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Changes Received from Members, Participants or Others

MBS has kept its Participants informed of the proposed enhancements by a series of information bulletins, and MBS has distributed to its Participants the text and summary thereof of the proposed rule change. MBS has received no substantive comments on the proposal.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

Within 35 days of the date of the publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding; or (ii) as to which the SRO consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of MBS. All submissions should refer to the File No.

SR-MBS-92-02 and should be submitted by September 17, 1992.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.⁵⁶

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-20508 Filed 8-26-92; 8:45 am]

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[Release No. 34-31061; International Series Release No. 438; File No. SR-NSCC-92-06]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of a Proposed Rule Change by the National Securities Clearing Corporation Relating to NSCC's Foreign Securities Comparison and Netting Service

August 19, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ notice is hereby given that on July 8, 1992, the National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Change NSCC's Procedures, Section V.I.C. as follows:

[Brackets] indicate deletion, *italic* indicates addition, _____ indicates previously underscored material.

C. Netted Member-to-Member Receive and Deliver Instructions

Transactions in Foreign Securities will net only on a Member-to-Member basis. Netted Member-to-Member receive and deliver instructions are produced representing the netted positions of each Member with respect to its transactions with another Member in each Foreign Security issue in which it had activity on the morning following comparison. Unless specified otherwise by the Corporation, [issuance of netted Member-to-Member receive and deliver instructions,] establishment of a uniform Settlement Price, and calculation of a Foreign Security Clearance Cash Adjustment will be conducted in the same manner as with respect to Net Balance Orders, as provided in Section V.C. above; provided, however, that

both the settlement of the underlying transaction and payment of the Foreign Security Clearance Cash Adjustment will not be guaranteed by the Corporation, and in the event a Member fails to make settlement with the Corporation, the Corporation will reverse all Foreign Security Clearing Cash Adjustment debits and credits with respect to that Member, and the netted Member-to-Member Foreign Securities receive and deliver instructions issued that day with respect to that Member will be null and void.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

NSCC's Foreign Comparison and Netting Service (FSCN) allows NSCC members to submit trades in foreign securities for comparison and broker-to-broker netting. NSCC produces receive and deliver orders for settlement of these trades. Securities are normally settled in the local country. NSCC currently produces receive and deliver orders on T+4. For FSCN trades, this is too late to allow the settling parties to instruct their foreign agent in sufficient time for timely movement of the securities abroad. The proposed rule change will permit the production of these receive and deliver orders on the morning following comparison, instead of T+4.

Since the proposed rule change will permit the prompt and accurate clearance of foreign securities transactions, it is consistent with the requirements of Section 17A(b)(3)(F) of the Securities Exchange Act of 1934, as amended, and the rules and regulations thereunder applicable to NSCC.

B. Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule will have an impact or impose a burden on competition.

⁵⁶ 17 CFR section 200.30-3(a)(12) (1991).

¹ 15 U.S.C. § 78e(b)(1).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments have been solicited or received. NSCC will notify the Commission of any comments received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Securities Exchange Act of 1934 and Subparagraph (e) of rule 19b-4 thereunder because the proposed rule change is effecting a change in an existing service that (i) does not adversely affect the safeguarding of securities or funds in the custody or control of the clearing agency or for which it is responsible and (ii) does not significantly affect the respective rights or obligations of the clearing agency or persons using the service. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of NSCC. All submissions should refer to file number SR-NSCC-92-06 and should be submitted by September 17, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 92-20509 Filed 8-26-92; 8:45 am]

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[Release No. 34-31056; File No. SR-NASD-92-31]

Self-Regulatory Organizations; Filing of Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to the Designation of Public Arbitrators Under the NASD Code of Arbitration Procedure

August 19, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on July 2, 1992, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD.¹ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD is herewith filing a proposed rule change to Article III, section 19 of the Code of Arbitration Procedure. Below is the text of the proposed rule change. Proposed new language is in *italics*; proposed deletions are in *brackets*.

Code of Arbitration Procedure

Part III Uniform Code of Arbitration

Designation of Number of Arbitrators

- Sec. 19. (a) and (b) Unchanged.
(c) An arbitrator will be deemed as being from the securities industry if he or she:
(1), (2), (3) and (4) Unchanged.

¹ On July 31, 1992, the NASD filed Amendment No. 1 to the proposed rule change. Amendment No. 1 replaces the phrase "designated contract market", as originally proposed in section 19(c)(6) of the Code of Arbitration Procedure with the phrase "commodities exchange." The amendment conforms the language proposed by the NASD with language previously adopted by the Securities Industry Conference on Arbitration ("SICA"). The following notice contains the language proposed by the NASD as amended in Amendment No. 1.

(5) Is an attorney, accountant, or other professional who has devoted twenty (20) percent or more of his or her professional work effort to securities industry clients within the last two years [.] , or

(6) Is an individual who is registered under the Commodity Exchange Act or is a member of a registered futures association or any commodities exchange or is associated with any such person(s).

(d) Unchanged.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) The proposed rule change was previously adopted by the Securities Industry Conference on Arbitration ("SICA"). In general, proposed subparagraph (6) to section 19(c) is intended to designate individuals who are associated with the futures industry as being from the securities industry for the purpose of serving on an arbitration panel. This would include individuals who are registered under the Commodity Exchange Act, who are members of a registered futures association or any commodities exchange, or who are associated with any such persons. Such individuals would, therefore, be excluded from the definition of "public arbitrator" contained in section 19(d) of the Code.

This proposed rule change developed from a report by the Commodity Futures Trading Commission ("CFTC") which was reviewed by SICA. The report was the result of a study of arbitration facilities that had been used to resolve disputes involving commodities and futures products. Arbitration awards rendered under the rules of the National Futures Association ("NFA") and securities industry self-regulatory organizations were reviewed in connection with the study. The report

concluded that while the number of futures-related arbitration cases handled outside the NFA was very low, the other forums' arbitration rules were adequate to qualify them as alternative forums under CFTC Regulation 180.3. Since some futures-related disputes are handled under the Uniform Code, SICA determined that the Uniform Code should be amended to exclude as public arbitrators any individuals who have close ties with the futures industry. The amendment would parallel other exclusions from the definition of public arbitrator for individuals who have close ties with the securities industry. SICA recommended that all self-regulatory organizations adopt this provision.

(b) The NASD believes that the proposed rule change is consistent with the provisions of section 15A(b)(6) of the Act² in that the proposed rule change will facilitate the arbitration process in the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the *Federal Register* or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange

Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by September 17, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 92-20512 Filed 8-26-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-31059; File No. SR-NSCC-92-07]

Self-Regulatory Organizations; National Securities Clearing Corporation; Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Modification of the Fee Schedule To Include Foreign Securities Netting Fee for Trades Submitted on a Locked-in Basis

August 19, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ notice is hereby given that on July 8, 1992, the National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by NSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NSCC proposes to amend its Fee Schedule by adding a fee for trades submitted through the Automated Confirmation Transaction Service ("ACT Service") of the National Association of Securities Dealers, Inc. ("NASD"). The text of the Fee Schedule

is set forth below with the proposed modifications italicized:

C. Trade recording fees will be charged as follows on those items originally compared by other parties, but cleared through NSCC: (FN 2)

1. Each side of each stock, warrant or right item entered for settlement, but not compared by NSCC—\$.02 per 100 shares, with a minimum fee of \$.08 and a maximum fee of \$1.50 being applicable.

2. Each side of each bond item entered for settlement, but not compared by NSCC—\$.30 per side.

3. Each side of a foreign security trade entered for settlement, but not compared by NSCC—\$.75 per side.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in section A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

NSCC's Board of Directors previously approved a Foreign Securities Clearance and Netting fee of \$.75 for each side of a compared trade. With the implementation of the ACT Service by the NASD, trades are now being submitted to NSCC via the ACT Service. These trades now by-pass comparison and are captured for trade recording fees. The purpose of the proposed rule change is to amend the fee schedule in order to include this fee for trades submitted from the ACT Service, as well as via the comparison method.

Since the proposed rule change provides for the equitable allocation of fees among members, it is consistent with the requirements of section 17A of the Act, as amended,² and the rules and regulations thereunder applicable to NSCC.

B. Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule will have an impact or impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments have been solicited or received. NSCC will notify the Commission of any written comments received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of rule 19b-4 thereunder because it establishes or changes a due, fee, or other charge of the self-regulatory organization. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-referenced self-regulatory organization. All submissions should refer to File No. SR-NSCC-92-07 and should be submitted by September 17, 1992.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 92-20515 Filed 8-26-92; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-31064; File No. SR-NASD-92-12]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Extension of Public Comment Period for Proposed Rule Change

August 21, 1992.

On April 9, 1992, the National Association of Securities Dealers, Inc. submitted a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), that would prohibit members from effecting short sales at or below the bid, for themselves or their customers, when the current "inside" or best bid is below the previous bid. The proposed amendment contains an exemption for transactions by "qualified" NASDAQ market makers. Notice of the proposed rule change was provided by the issuance of a Commission release (Securities Exchange Act Release No. 31003, August 6, 1992) and by publication in the *Federal Register* (57 FR 36421, August 13, 1992).

Due to the expectation that a substantial number of parties may be interested in submitting comments to the Commission, and the fact that the initial comment period falls during a period of time when many interested parties have scheduled vacation, the Commission hereby extends the period for public comment on the proposed rule change until Friday, October 2, 1992.¹

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 92-20568 Filed 8-26-92; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-31066; File No. SR-PTC-92-08]

Self-Regulatory Organizations; Participants Trust Company; Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Definition of Eligible Securities

August 21, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ notice is hereby given that on

¹ By letter, dated August 20, 1992, the NASD consented to an extension of the period of time for comment until October 2, 1992. See letter from Stephen D. Hickman, Secretary, NASD to Katherine England, Branch Chief, SEC, dated August 20, 1992.

² 15 U.S.C. 78s(b)(1) (1988).

July 7, 1992, Participants Trust Company ("PTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change eliminates specific references currently contained in PTC's rules to securities issued by the Government National Mortgage Association ("GNMA") and references to the Federal Home Loan Mortgage Corporation ("FHLMC") and Federal National Mortgage Association ("FNMA") in order to clarify that PTC may act as a depository for other securities issued or guaranteed by other instrumentalities of the United States government.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) The purpose of the proposed rule change is to eliminate specific references currently contained in PTC's rules to GNMA securities and to the FHLMC, FNMA, and GNMA in order to clarify that PTC may act as depository for other securities issued or guaranteed by other instrumentalities of the United States government.

Article I, Rule 2 of PTC's rules states that PTC "shall from time to time determine which securities or pools included within securities are eligible for deposit with the Corporation."

Article I, Rule 1 of PTC's rules states that:

"The term 'securities' means all participation interests in pools of mortgage loans issued or guaranteed by

instrumentalities of the United States government, including, without limitation, pass-through and modified pass-through certificates guaranteed by GNMA, mortgage participation certificates and Guarantee Mortgage Certificates issued by FHLMC, and pass-through certificates issued by FNMA." (emphasis added)

Although historically GNMA's have been the only securities designated as eligible securities, PTC's rules provide the authority for it to designate as eligible for deposit other securities which meet the definition. On June 10, 1992, the Commission approved a PTC proposed rule change that designated certain securities guaranteed by the United States Department of Veterans Affairs (the "VA securities") as eligible securities as permitted by Article I, Rule 2 of PTC's rules.² The VA securities meet PTC's definition of securities because those securities are participation interests in pools of mortgage loans represented by pass-through certificates guaranteed by the United States Department of Veterans Affairs, an instrumentality of the United States government.

Although PTC's rules enable it to designate securities other than GNMA's as depository eligible, it recognized in preparing for the deposit of VA securities that certain rules refer specifically to GNMA, FNMA, and FHLMC (securities or the instrumentality). The subject rule change conforms those rules to the broader definition in PTC's rules of securities and issuers or guarantors of the permitted securities.³

(b) Since the proposed rule change reflects the fact that securities issued or guaranteed by instrumentalities other than GNMA, FNMA, and FHLMC may be eligible for deposit in PTC and the availability of PTC's settlement services with respect to those securities, it is consistent with the requirement of section 17A(b)(3)(F) of the Act because it is designed to promote the prompt and accurate clearance and settlement of securities transactions and to remove impediments to the prompt and accurate settlement of securities transactions.

B. Self-Regulatory Organization's Statement on Burden on Competition

PTC does not believe that the proposed rule change would impose any burden on competition.

² Securities Exchange Act Release No. 30792 (June 10, 1992), 57 FR 27495.

³ Prior to making any other securities eligible for deposit, PTC understands that it must file with the Commission a proposed rule change under section 19 of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

PTC has not solicited, and does not intend to solicit, comments on this proposed rule change. PTC has not received any unsolicited written comments from participants or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of rule 19b-4 thereunder because it is effecting a change in an existing service of a registered clearing agency that (i) does not adversely affect the safeguarding of securities or funds in the custody or control of the clearing agency and (ii) does not significantly affect the respective rights or obligations of the clearing agency or persons using the service. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of PTC. All submissions should refer to file number SR-PTC-92-08 and should be submitted by September 17, 1992.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 92-20569 Filed 8-26-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-31060; File No. SR-PTC-92-09]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by Participants Trust Company Relating to a Modification of PTC's Fees

August 19, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ notice is hereby given that on July 28, 1992, Participants Trust Company ("PTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Full Service Participants & Limited Purpose Participants.

Schedule of Fees

| Service | Fee— <i>Italics</i> Indicate additions [brackets] indicate deletions |
|--|---|
| Book-Entry Delivery/Receipt (includes all DK's and FTX Transactions between participants). | |
| P & I Disbursement Deposits..... | [2.00] 1.65/ pool/month. |
| Manual..... | [7.75] 6.15/ cert. ¹ |
| Automated Bulk (200-1,000 pools) .. | [5.00] 4.00/ cert. ¹ |
| Automated Bulk (more than 1,000 pools). | [3.75] 3.00/ cert. ¹ |
| Withdrawals | [7.75] 15.00/ cert. ¹ |
| Repo Movements..... | [6.00] 5.15 each. |

¹ Plus GNMA transfer fee.

¹ 15 U.S.C. 78e(b)(1).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

(a) The purpose of the proposed rule change is to modify PTC's fees for five of its services: Book-Entry Delivery and Receipt of Securities, P&I Disbursements, Deposits, Withdrawals, and Repo Movements. The new fees will be effective August 1, 1992.

PTC believes that the modification is appropriate based on the Corporation's 1992 net income to-date, projected earnings and expenses, the desirability of paying dividends on its outstanding stock, and its level of capital.

(b) Since the proposed rule change relates to the equitable allocation of dues, fees and other charges among Participants, it is consistent with the requirement of Section 17A(b)(3)(D) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

PTC does not believe that the proposed rule change imposes any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

PTC has not solicited, and does not intend to solicit, comments on this proposed rule change. PTC has not received any unsolicited written comments from Participants or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 thereunder because it establishes or changes a due, fee, or other charge of the self-regulatory organization. At any time within 60 days of the filing of such proposed rule change, the Commission

may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

All submissions should refer to SR-PTC-92-09 and should be submitted by September 17, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 92-20510 Filed 8-26-92; 8:45 am]
BILLING CODE 8010-01-M

[Rel. No. IC-18902; 812-7948]

North American Security Life Insurance Co., et al.

August 19, 1992.

AGENCY: Securities and Exchange Commission ("SEC" or the "Commission").

ACTION: Notice of application for an order under the Investment Company Act of 1940 (the "1940 Act").

APPLICANTS: North American Security Life Insurance Company ("Security Life"), NASL Variable Account (the "Variable Account"), NASL Financial Services, Inc. ("NASL Financial") and Wood Logan Associates Inc. ("Wood Logan").

RELEVANT 1940 ACT SECTIONS: Order requested under section 6(c) for exemptions from sections 26(a)(2)(C) and 27(c)(2).

SUMMARY OF APPLICATION: Applicants seek an order to the extent necessary to permit the deduction of a mortality and expense risk charge from the assets of the Variable Account with respect to certain fixed and variable annuity contracts.

FILING DATE: The application was filed on June 23, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested person may request a hearing on this application by writing to the Secretary of the SEC and serving Applicants with a copy of the request, personally or by mail. Hearing requests must be received by the Commission by 5:30 pm., on September 14, 1992 and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, by certificate. Hearing requests should state the nature of the interest, the reason for the request and the issues contested. Persons may request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington DC 20549. Applicants: John D. DesPrez, III, Esq., North American Security Life Insurance Company, 116 Huntington Avenue, Boston, Massachusetts 02116.

FOR FURTHER INFORMATION CONTACT: Cindy J. Rose, Financial Analyst, or Michael V. Wible, Special Counsel, at (202) 272-2060, Office of Insurance Products, Division of Investment Management.

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. Security Life is stock life insurance company organized under the laws of Delaware in 1979. Security Life is the depositor of the Variable Account.

2. The Variable Account was registered under the 1940 Act as a unit investment trust and was established to fund variable annuity contracts. Assets of the Variable Account are invested in shares of the NASL Series Trust (the "Trust"), a Massachusetts business trust registered under the 1940 Act as an open-end management investment company. The Variable Account is divided into subaccounts which invest in corresponding portfolios of the Trust.

3. NASL Financial is the principal underwriter of the contracts and certificates. It is a broker-dealer registered under the Securities Exchange

Securities Dealers, Inc. NASL Financial also serves as investment adviser to the Trust and is registered as an investment adviser under the Investment Advisers Act of 1940.

4. Wood Logan, a Connecticut corporation registered as a broker-dealer under the 1934 Act, serves as the exclusive promotional agent for the contracts and certificates.

5. The contracts are flexible purchase payment deferred combination fixed and variable group annuity contracts which will provide for the accumulation of values and the payment of annuity benefits on a fixed and/or variable basis. The application pertains only to the variable basis. The application pertains only to the variable portion of the contract. Security Life is relying on certain exemptive provisions from the registration requirements under the Securities Act of 1933 and the 1940 Act to offer the fixed portion of the contracts.

6. As compensation for providing administrative services under the contracts and certificates, Security Life charges certificate owners an annual administration fee of \$30 and deducts from the subaccounts each valuation period an administration charge equal to .15% of the subaccount assets on an annualized basis. Applicants represent that the fees are based upon Security Life's current estimates of the administrative costs attributable to the contracts and certificates over their lifetime and are not designed or expected to generate a profit.

7. No sales charge will be deducted from purchase payments as they are made. Instead, prior to the maturity date, a withdrawal charge (contingent deferred sales charge) will be addressed in some circumstances where complete or partial withdrawals are attributed to purchase payments made for a certificate owner within six years of the date of the withdrawal. The withdrawal charge declines 6-6-5-4-3-2% over the first six years that a purchase payment has been in the contract for a certificate owner. There is no withdrawal charge with respect to withdrawals of investment earnings for a certificate owner and certain other free withdrawal amounts. Applicants represent that the withdrawal charge is intended to reimburse Security Life for compensation paid to cover selling concessions to broker-dealers, preparation of sales literature and other expenses relating to sales activity.

8. To compensate it for assuming mortality and expense risks under the contracts and certificates, Security Life currently deducts from each subaccount

a charge each valuation period at an effective annual rate of 1.25%, consisting of .80% for the mortality risks and .45% for the expense risks. Security Life reserves the right to issue contracts and certificates with a mortality and expense risk charge at rates less than those set out above in circumstances where it concludes that the mortality and expense risks of the group involved are less than the risks it has determined for persons for whom the contracts and certificates have been generally designed.

9. The mortality risk assumed by Security Life under the contracts and certificates is the risk that annuitants may live for a longer period of time than estimated. Security Life assumes this mortality risk by virtue of annuity rates incorporated into the contract and certificate which cannot be changed as to outstanding certificates. This assures each annuitant that his longevity will not have an adverse effect on the amount of annuity payments. Also, Security Life guarantees that if the annuitant dies before the maturity date, it will pay a minimum death benefit. The expense risk assumed by Security Life is the risk that the administration fees, which fees cannot be increased as to outstanding certificates, may be insufficient to cover actual expenses. If the mortality and expense risk charge is insufficient to cover the actual cost of the mortality and expense risk undertaking, Security Life will bear the loss. Conversely, if the charge proves more than sufficient, the excess will be profit to Security Life and will be available for any proper corporate purpose including, among other things, payment of distribution expenses.

Applicants' Legal Analysis and Conditions

1. Applicants seek an exemption from sections 26(a)(2)(C) and 27(c)(2) of the 1940 Act to the extent necessary to permit the issuance and sale of the contracts providing for the deduction of a mortality and expense risk charge. Sections 26(a)(2)(C) and 27(c)(2) of the 1940 Act prohibit a registered unit investment trust and any depositor thereof or underwriter therefor from selling periodic payment plan certificates unless the proceeds of all payments (other than sales load) are deposited with a qualified bank as trustee or custodian and held under arrangements which prohibit any payment to the depositor or principal underwriter except a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other

administrative duties normally performed by the bank itself.

2. Applicants represent that the 1.25% mortality and expense risk charge is within the range of industry practice for comparable annuity products. Applicants state that this representation is based upon an analysis of publicly available information about selected similar industry products, taking into consideration such factors as the method used in charging sales loads, any contractual right to increase charges above current levels and the existence of charges against separate account assets for other than mortality and expense risks. Security Life will maintain at its principal office, available to the Commission, a memorandum setting forth in detail the products analyzed in the course of, and the methodology and results of, the comparative survey made.

3. Applicants acknowledge that the withdrawal charge will be insufficient to cover all costs relating to the distribution of the contracts and certificates and that if a profit is realized from the mortality and expense risk charge, all or a portion of such profit may be offset by distribution expenses not reimbursed by the withdrawal charge. Security Life has concluded that there is a reasonable likelihood that the proposed distribution financing arrangements made with respect to the contracts and certificates will benefit the Variable Account and the certificate owners. The basis for such conclusion is set forth in a memorandum which will be maintained by Security Life at its principal office and will be available to the Commission.

4. Finally, Security Life represents that the Variable Account will invest only in an underlying mutual fund which undertakes, in the event it should adopt any plan under Rule 12b-1 to finance distribution expenses, to have such plan formulated and approved by a board of directors, a majority of the members of which are not "interested persons" of such fund within the meaning of section 2(a)(19) of the 1940 Act.

Conclusion

Applicants conclude that for the reasons and upon the facts set forth in the application, the exemptions requested are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-20511 Filed 8-26-92; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice 1681]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea and Associated Bodies; Working Group on Stability and Load Lines and on Fishing Vessels Safety; Meeting

The Working Group on Stability and Load Lines and on Fishing Vessels Safety of the Subcommittee on Safety of Life at Sea (SOLAS) will conduct an open meeting on September 21, 1992, at 9 a.m. in room 6319 at Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC.

The purpose of this Working Group meeting is to discuss the preparations for the 37th Session of the International Maritime Organization (IMO) Subcommittee on Stability and Load Lines and on Fishing Vessels Safety (SLF), which is scheduled for January 11 to 15, 1993.

Items of discussion will include the following: subdivision and damage stability standards of passenger ships; harmonization of probabilistic damage stability provisions for all ship types; the new Code of Intact Stability; technical revisions to the 1966 Load Line Convention; stability aspects of open-top container ships; and probabilistic oil outflow.

Members of the public may attend this meeting up to the seating capacity of the room.

For further information on this SLF Working Group meeting, contact Mr. H.P. Cojeen or Mr. W.M. Hayden at (202) 267-2988; U.S. Coast Guard Headquarters (G-MTH), 2100 Second Street, SW., Washington, DC 20593-0001.

Dated: August 19, 1992.

Geoffrey Ogden,

Chairman, Shipping Coordinating Committee.

[FR Doc. 92-20519 Filed 8-26-92; 8:45 am]

BILLING CODE 4710-07-M

TENNESSEE VALLEY AUTHORITY

Privacy Act of 1974; Computer Matching Program

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Notice of computer matching program.

SUMMARY: Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988 (Public Law 100-503), and the Computer Matching and Privacy Protection Amendments of 1990 (Public Law 101-508), and the Office of Management and Budget's Guidelines on the Conduct of Matching Programs, notice is hereby given that the Tennessee Valley Authority (TVA) proposes to conduct a program matching TVA records with Office of Workers' Compensation Programs (OWCP) records. The purpose of the program is to identify former or current TVA employees who received prohibited concurrent workers' compensation benefits and state unemployment benefits.

EFFECTIVE DATE: This proposed action will become effective September 28, 1992, and the computer matching will proceed accordingly without further notice, unless comments are received which would result in a contrary determination or if the Office of Management and Budget or the Congress objects thereto. Any public comment must be received before the effective date.

ADDRESS: Any interested party may submit written comments to Mark R. Winter, Tennessee Valley Authority, 1101 Market Street (MR 2F), Chattanooga, TN 37402-2801. As a convenience to commenters, TVA will accept public comments transmitted by facsimile ("FAX") machine. The telephone number of the FAX receiver is (615) 751-2902. Receipt of FAX transmittals will not be acknowledged.

FOR FURTHER INFORMATION CONTACT: Mark R. Winter, (615) 751-2523.

SUPPLEMENTARY INFORMATION: TVA and OWCP intend to conduct a computer matching program for the purposes stated below. This notice meets the publication requirements under subsection (e)(12) of the Privacy Act of 1974, as amended. A copy of the computer matching agreement and a copy of this notice have been transmitted to the Office of Management and Budget, the Committee on Governmental Affairs of the Senate, and the Committee on Government Operations of the House of Representatives.

Set forth below is a description of the matching program.

Report of Computer Matching Program between TVA and OWCP

A. Participating Agencies

TVA is the recipient agency and will perform the computer match with records provided by OWCP for the purpose of the match.

B. Purposes of the Match

This match will permit TVA to identify former or current TVA employees who received prohibited concurrent workers' compensation benefits and state unemployment benefits to prevent erroneous payments by TVA under the unemployment compensation program. Information obtained from the match will also be furnished to OWCP for the purpose of verifying entitlement to disability compensation benefits.

C. Authority for Conducting Matching Program

The authority for undertaking this match is found in Federal Employees' Compensation Act (5 U.S.C. 8101 et seq.), the Unemployment Compensation For Federal Employees program (5 U.S.C. 8501 et seq.), the TVA Act (16 U.S.C. 831-831dd), and the Inspector General Act (5 U.S.C. Appendix A).

D. Categories of Individuals and Identification of Records to be Matched

OWCP, as the source agency, will provide TVA with information on current and former TVA employees from its "Office of Workers' Compensation Programs, Federal Employees' Compensation Act File" (DOL/ESA-13) system of records. This system of records contains information on individuals receiving benefits under the Federal Employees' Compensation Act. This information will be matched against information on former or current TVA employees who have received state unemployment compensation which is maintained in TVA's "Payroll Records" (TVA-11) system of records. Initially the records to be matched will cover the period April 1, 1989 through March 31, 1992, and then semiannually.

E. Inclusive Date of the Matching Program

This computer matching program is subject to review by the Office of Management and Budget and the Congress. If no objections are raised by either, and the mandatory 30 day public notice period for comment has expired for this Federal Register notice with no significant adverse public comments in receipt resulting in a contrary determination, then this computer

matching program becomes effective on the date specified above. By agreement between TVA and OWCP, the matching program will be in effect and continue for 18 months with an option to renew for 12 additional months under the terms set forth in 5 U.S.C. 552a(o)(2)(D).

Michael L. Scalf,
TVA Archivist.

[FR Doc. 92-20546 Filed 8-26-92; 8:45 am]

BILLING CODE 8120-08-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Application to impose a passenger facility charge (PFC) at the Alexander Hamilton Airport, St. Croix, VI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose a PFC at the Alexander Hamilton Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before September 28, 1992.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Orlando Airports District Office 9677 Tradeport Drive, suite 130 Orlando, Florida 32827-5397.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Gordon Finch, Executive Director of the Virgin Islands Port Authority, at the following address: P.O. Box 1707 St. Thomas, VI 00803-1707.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Virgin Islands Port Authority under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mrs. Ilia A. Quinones, Airports Plans & Programs Manager, FAA, Orlando Airports District Office, 9677 Tradeport Drive, Suite 130, Orlando, FL 32827-5397, telephone (407) 648-6583. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose a PFC at the Alexander Hamilton Airport

under the provision of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On August 20, 1992 the FAA determined that the application to impose a PFC submitted by the Virgin Islands Port Authority was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than December 10, 1992.

The following is a brief overview of the application:

Level of the proposed PFC:—\$3.00.

Proposed charge effective date:—January 1, 1993.

Proposed charge expiration date:—December 31, 1997.

Total estimated PFC revenue:—\$5,621,990.

Brief description of proposed projects:

1. Master Plan Update.
2. Real Property Acquisition.
3. Airport Security System.
4. Airfield Improvement-Apron Expansion.
5. Passenger Terminal Improvements.
6. Aircraft Rescue and Firefighting Equipment.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: None.

Any person may inspect the application in person at the FAA office listed above under "FOR FURTHER INFORMATION CONTACT."

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Virgin Islands Port Authority, Alexander Hamilton Airport, St. Croix, Virgin Islands.

Issued in Atlanta, Georgia, on August 20, 1992.

Dell T. Jernigan,

Acting Manager, Airports Division Southern Region.

[FR Doc. 92-20588 Filed 8-26-92; 8:45 am]

BILLING CODE 4910-13-M

Application To Impose a Passenger Facility Charge (PFC) at the Cyril E. King Airport, St. Thomas, VI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose a PFC at the Cyril

E. King Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before September 28, 1992.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Orlando Airport District Office 9677 Tradeport Drive, Suite 130 Orlando, Florida 32827-5397.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Gordon Finch, Executive Director of the Virgin Islands Port Authority, at the following address: P.O. Box 1707 St. Thomas, VI 00803-1707.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Virgin Islands Port Authority under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mrs. Ilia A. Quinones, Airports Plans & Programs Manager, FAA, Orlando Airports District Office, 9677 Tradeport Drive, Suite 130, Orlando, FL 32827-5397, telephone (407) 648-6583. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose a PFC at the Cyril E. King Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On August 20, 1992 the FAA determined that the application to impose a PFC submitted by the Virgin Islands Port Authority was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than December 10, 1992.

The following is a brief overview of the application:

Level of the proposed PFC:—\$3.00.

Proposed charge effective date:—January 1, 1993.

Proposed charge expiration date:—December 31, 1997.

Total estimated PFC revenue:—\$10,719,000.

Brief description of proposed projects:

1. Airfield Improvement-Runway Completion.

2. Airport Security System Installation.**3. Aircraft Rescue and Firefighting Facilities Building.****4. Aircraft Rescue and Firefighting Equipment.****5. Airfield Improvement-Runway Resurfacing.**

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: None.

Any person may inspect the application in person at the FAA office listed above under **"FOR FURTHER INFORMATION CONTACT."**

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Virgin Islands Port Authority, Cyril E. King Airport, St. Thomas, VI 00803-1707.

Issued in Atlanta, Georgia, on August 20, 1992.

Dell T. Jernigan,

Acting Manager, Airports Division Southern Region.

[FR Doc. 92-20589 Filed 8-26-92; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration**Environmental Impact Statement: Brunswick and New Hanover Counties, North Carolina**

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is insuring this notice to advise the public that an environmental impact statement will be prepared for the proposed highway project in Brunswick and New Hanover Counties, North Carolina.

FOR FURTHER INFORMATION CONTACT: Mr. Roy C. Shelton, Operations Engineer, Federal Highway Administration, P.O. Box 26806, Raleigh, North Carolina 27611, Telephone: (919) 856-4350.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the North Carolina Department of Transportation (NCDOT), will prepare an environmental impact statement (EIS) on a proposal to relocate US 17 in Brunswick and New Hanover Counties, North Carolina. The proposed improvement would involve the relocation of the existing US 17 from Interstate 40 to existing US 17 south of Wilmington. The proposed action is considered necessary to provide for the existing and projected traffic demand.

Alternatives under consideration include:

1. No-build.**2. Two build alternatives for constructing a four-lane, full control of access freeway on new location.**

Letters describing the proposed action and soliciting comments have been sent to appropriate Federal, State and local agencies. A series of public meetings and a public hearing will be held. Public notice will be given of the time and place of the meetings and hearing. The draft EIS will be available for public and agency review and comment at the time of the hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments, and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations Implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: August 19, 1992.

Roy C. Shelton,

Operations Engineer, Raleigh, North Carolina.

[FR Doc. 92-20553 Filed 8-26-92; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Washtenaw County, MI

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for reconstruction of US-12, from Saline East City limit to Munger Road in Washtenaw County, Michigan.

FOR FURTHER INFORMATION CONTACT: Thomas A. Fort, Jr., District Engineer, Federal Highway Administration, 315 W. Allegan Street, room 211, Lansing, Michigan 48933, Telephone: (FTS) 374-1879 or (Commercial) (517) 377-1879 or Mr. Andrew J. Zeigler, Environmental Coordinator, Bureau of Transportation Planning, Michigan Department of Transportation, P.O. Box 30050, Lansing, Michigan 48909, Telephone: (517) 373-3251.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Michigan Department of Transportation (MDOT), is preparing an Environmental Impact Statement (EIS) for reconstruction of US-12, an existing

state trunkline, from Saline East City limits to Munger Road in Washtenaw County, Michigan. The proposed project is approximately 7 miles in length and is needed to make capacity improvements in this two-lane section to improve service in this rapidly-developing area in south central Washtenaw County, Michigan. The limits for the study extend along the existing state trunkline between the East City limits of Saline to Munger Road to the northeast. Alternatives under consideration include (1) taking no action to improve this section of US-12 other than routine maintenance; (2) a five-lane cross section reconstruction of existing two-lane roadway with two travel lanes in each direction and a center left-turn lane; (3) a divided cross section reconstruction of existing roadway to a boulevard consisting of two 24-foot pavements separated by an 84-foot median; (4) a combination divided and five-lane cross section; and (5) a transit alternative to assess the feasibility of expanding the existing bus system and reduce projected highway travel demand in the corridor.

Scoping of this project began in 1991 and included: requests for review and comment by federal, state, and local planning agencies on December 30, 1991 concerning the project and preliminary issues identified; field surveys; meetings with the Ann Arbor—Ypsilanti Urban Area Transportation Study Committee (UATS) on June 20, 1991, February 19 and July 22, 1992. Two public information meetings have been held on the project. The first was held on February 19, 1992, and the second on July 22, 1992 to provide the public with an overview of the project scope and schedule, public and agency involvement process, and an opportunity to discuss the proposed action.

This project began with the intent of preparing an Environmental Assessment (EA). However, discovery of significant environmental issues, and local controversy concerning potentially significant impacts of the project, establish this project as a Class I action, necessitating preparation of an Environmental Impact Statement (EIS). Letters and updated scoping document describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interests in this proposal. A public hearing will be held. Public notice will be given of the time and place of the hearing. The Draft Environmental

Impact Statement (EIS) is scheduled for completion in August, 1993, and will be made available for public and agency review and comment prior to the public hearing. No formal scoping meeting is planned at this time. The U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service and the Michigan Department of Natural Resources are requested to be cooperating agencies on this project.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments, and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: August 20, 1992.

A. George Ostensen,

Division Administrator, Lansing, Michigan.

[FR Doc. 92-20557 Filed 8-26-92; 8:45 am]

BILLING CODE 4910-22-M

Intelligent Vehicle-Highway Society of America; Public Meetings

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meetings.

SUMMARY: The Intelligent Vehicle-Highway Society of America (IVHS AMERICA) will hold meetings of its Coordinating Council on September 30 and October 1 and of its Board of Directors on October 15, 1992. IVHS AMERICA provides a forum for national discussion and recommendations on IVS activities including programs, research needs, strategic planning, standards, international liaison, and priorities. The charter for the utilization of IVHS AMERICA establishes this organization as an advisory committee under the Federal Advisory Committee Act (FACA) when it provides advice or recommendations to DOT officials on IVHS policies and programs. (56 FR 9400, March 6, 1991).

DATES: The Coordinating Council of IVHS AMERICA will meet on September 30, from 1 p.m. to 5 p.m., and on October 1, 1992, from 8:30 a.m. to 4 p.m., e.t. The session is expected to focus on: (1) Status report of the Coordinating Council Committee Review (Sunset/Sunrise) Task Group, (2) Intermodal Surface Transportation

Efficiency Act Implementation Issues, (3) Status report from the Tactical Planning Group, and (4) Other technical activities of IVHS AMERICA.

The Board of Directors (formerly the Executive Committee) will meet on October 15, 1992, from 9 a.m. to 4 p.m., e.t. The session is expected to focus on: (1) Review, discussion, and approval of Tactical Planning Advice to the United States Department of Transportation, (2) Report on International Conference planning, (3) Report of the International Liaison Committee, (3) Review, discussion, and approval of IVHS AMERICA Four Year Program Plan, and (4) Review, discussion, and approval of the Charter for the Executive Committee of the Board of Directors. All of the meetings are open to the general public.

ADDRESSES: Doubletree Hotel, 300 Army Navy Drive, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Mr. Lyle Saxton, FHWA HSR-1, 6300 Georgetown Pike, McLean, VA 22101, (703) 285-2021, office hours are from 7:30 a.m. to 4 p.m., e.t., Monday through Friday, except for legal holidays; or Dr. James Costantino, IVHS AMERICA, 1776 Massachusetts Avenue, NW., fifth floor, Washington, DC 20036, (202) 857-1202.

Authority: 23 U.S.C. 315; 49 CFR 1.4.

Issued on: August 20, 1992.

T. D. Larson,

Administrator.

[FR Doc. 92-20516 Filed 8-26-92; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: August 21, 1992.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Comptroller of the Currency

OMB Number: New.

Form Number: None.

Type of Review: New collection.

Title: Community Development Information Collection.

Description: The OCC needs hard data to determine the level and type of national bank activity in local community development. The OCC will use the information collected from national banks to determine the effectiveness of its program to encourage national banks to continue and expand their community development efforts.

Respondents: Businesses or other for-profit, Small businesses or organizations.

Estimated Number of Respondents: 3,750.

Estimated Burden Hours Per Response: 2 hours.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 7,500 hours.

OMB Number: 1557-0140.

Form Number: None.

Type of Review: Extension.

Title: Fiduciary Powers of National Banks and Collective Investment Funds (19 CFR part 9).

Description: The written plan for a Collective Investment Fund provides the operating framework for the fund. The Financial Report reflects, on an annual basis, the investment status; including investment changes. Both documents serve as the basic disclosure document for fund participants.

Respondents: Businesses or other for-profit, Small businesses or organizations.

Estimated Number of Respondents: 27,000.

Estimated Burden Hours Per Response: 3 hours.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 14,600 hours.

Clearance Officer: John Ference (202) 874-4697, Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

OMB Reviewer: Gary Waxman (202) 395-7340, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 92-20600 Filed 8-26-92; 8:45 am]

BILLING CODE 4810-33-M

Public Information Collection Requirements Submitted to OMB for Review

Dated: August 21, 1992.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0747.

Form Number: IRS Form 5498.

Type of Review: Extension.

Title: Individual Retirement Arrangement Information.

Description: Form 5498 is used by trustees and issuers to report contributions to and the fair market value of an individual retirement arrangement.

Respondents: Businesses or other for-profit, Small businesses or organizations.

Estimated Number of Respondents: 45,300.

Estimated Burden Hours Per Respondent: 7 minutes.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 6,686,640 hours.

Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Departmental Reports, Management Officer.
[FR Doc. 92-20601 Filed 8-26-92; 8:45 am]

BILLING CODE 4830-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301-88]

Proposed Determinations Regarding Certain Market Access Barriers of the People's Republic of China: Request for Public Comment and Public Hearing

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of proposed determinations pursuant to section 304(a)(1) of the Trade Act of 1974, as amended, 19 U.S.C. 2414 (Trade Act); request for public comment; and notice of public hearing pursuant to section 304(b)(1)(A) of the Trade Act.

SUMMARY: The United States Trade Representative (USTR) seeks public comment concerning a proposed determination that certain acts, policies and practices of the People's Republic of China (China) that are barriers to market access are unreasonable or discriminatory and impose a burden or restriction upon United States commerce. USTR also seeks public comment and will hold a public hearing concerning proposed determinations to impose increased duties of up to 100 percent *ad valorem* upon certain products of China to be drawn from the list of products set forth in the Annex to this notice.

DATES: Written comments from interested persons are requested by September 18, 1992; requests to testify at the public hearing are due on or before noon, Friday, September 11, 1992; written testimony is due on or before noon, Wednesday, September 16, 1992; the public hearing will be held on September 23, 1992, and will continue on September 24-25, 1992, if necessary; and rebuttal submissions are due on or before noon, Tuesday, September 29, 1992.

ADDRESSES: Office of the United States Trade Representative, 600 17th Street NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Daniel Leahy, Deputy Executive Director for Policy Coordination (202) 395-7210, for general information; Christopher Allen, Director of Press Relations (202) 395-6120, for media inquiries; Jeanne Davidson, Chairman, Section 301 Committee (202) 395-3432, for legal questions; and Dorothy Balaban, Special Assistant to the Section 301 Committee (202) 395-3432, for information concerning filing procedures and scheduling.

SUPPLEMENTARY INFORMATION: On October 10, 1991, at the direction of the

President, USTR initiated an investigation pursuant to section 302(b) of the Trade Act to determine whether specific market access barriers in China are unreasonable or discriminatory and burden or restrict United States commerce. No later than October 10, 1992, USTR must determine whether the acts, policies, and practices under investigation are unreasonable or discriminatory and burden or restrict U.S. commerce. If that determination is affirmative, USTR must determine what action, if any, is appropriate in response.

The investigation included the following practices, which affected major United States export interests: (1) Failure to publish, among other things, laws, regulations, judicial decisions, and administrative rulings of general application pertaining to customs requirements, or to requirements, restrictions or prohibitions upon imports or affecting their sale or distribution in China; (2) selected product-specific and sector-specific import prohibitions and quantitative restrictions; (3) selected restrictions upon imports made effective through restrictive import licensing requirements; and (4) selected technical barriers to trade, including standards, testing, and certification requirements, and policy toward veterinary and phytosanitary standards that create unnecessary obstacles to trade.

These barriers were selected for investigation because they appeared to be inconsistent with the multilateral rules and trade liberalization principles of the General Agreement on Tariffs and Trade (GATT) and to the multilateral codes negotiated under GATT auspices, which would apply if China were a contracting party to the GATT and its related codes, or otherwise constituted significant barriers to U.S. trade.

Proposed Determinations and Action

Although officials of USTR and other United States agencies have conducted extensive consultations with Chinese government officials concerning these market access barriers, negotiations have failed to resolve all of the issues under investigation. Consequently, USTR proposes to determine pursuant to section 304(a)(1)(A)(ii) of the Trade Act that these market access barriers maintained by China are unreasonable or discriminatory and burden or restrict United States commerce.

If USTR makes an affirmative determination pursuant to section 304(a)(1)(A)(ii), USTR also must determine whether action by the United States is appropriate. If USTR determines that action is appropriate, section 301(b) of the Trade Act directs USTR to take all appropriate and

feasible action to obtain the elimination of the unreasonable or discriminatory act, policy or practice.

Therefore, USTR proposes to take the following action, pursuant to the authority provided by section 301(c)(1)(B) of the Trade Act: To increase duties up to 100 percent *ad valorem* upon certain products of China. The products to be subjected to the increased tariffs will be drawn from the list of products set forth in the Annex to this notice. In making this determination, USTR will consider public comments submitted in accordance with the requirements set forth below.

Public Comment: Requirements for Submissions

USTR invites all interested persons to provide written comments concerning the proposed action. Specifically, interested persons may provide comments regarding: (1) The appropriateness of imposing increased duties upon the particular products listed in the annex to this notice; (2) the levels to which duties should be increased upon particular items and the appropriate effective date for the increased duties; and (3) the degree to which increased duties might have an adverse effect upon United States consumers of the products listed in the Annex.

Comments must be filed in accordance with the requirements set forth in 15 CFR 2006.8(b) and are requested by September 18, 1992. Comments must be in English and provided in twenty copies to: Chairman,

Section 301 Committee, Office of the General Counsel, room 223, USTR, 600 17th Street, NW., Washington, DC 20506.

All comments submitted to the Section 301 Committee will be placed in a file (Docket 301-88) open to public inspection pursuant to 15 CFR 2006.13, except for comments containing confidential business information exempt from public inspection in accordance with 15 CFR 2006.15. Confidential business information submitted in accordance with 15 CFR 2006.15 must be clearly marked "BUSINESS CONFIDENTIAL" in a contrasting color ink at the top of each page on each of 20 copies, and must be accompanied by a nonconfidential summary of the confidential information. The nonconfidential summary will be placed in the file that is open to public inspection.

Public Hearing

A public hearing concerning the proposed action will be held on September 23, 1992, commencing at 9:30 a.m. and continuing on September 24-25, 1992, if necessary. The hearing will be held at the U.S. International Trade Commission, Courtroom A, room 100, 500 E Street, SW., Washington, DC 20436.

Interested persons desiring to testify orally must submit a written request by noon, on September 11, 1992, to Chairman, Section 301 Committee, room 223, Office of the U.S. Trade Representative, 600 17th Street, NW., Washington, DC 20506. In their request they must provide the following information: (1) Name, address,

telephone number, and firm or affiliation; and (2) a summary of their presentation. After consideration of a request to present oral testimony at the public hearing, the Chairman will notify the applicant of the approximate time of his or her testimony, if the request conforms to the requirements of 15 CFR 2006.8(a).

Additionally, persons presenting oral testimony must submit 20 copies of their complete written testimony, in English, by Wednesday, September 16, 1992, to the Chairman, Section 301 Committee, at the address listed above. All written submissions must be filed in accordance with 15 CFR 2006.8.

Testimony, both written and oral, shall be limited to the following subjects: (1) The appropriateness of imposing increased duties upon the particular products listed in the annex to this notice; (2) the levels to which duties should be increased upon particular items and the appropriate effective date for the increased duties; and (3) the degree to which increased duties might have an adverse effect upon United States consumers of the products listed in the Annex. Remarks at the hearing will be limited to five minutes.

To allow each party an opportunity to respond to information provided at the hearing by other parties, USTR will entertain rebuttal submissions filed by any interested party, in accordance with 15 CFR 2006.8(c) by noon on September 29, 1992.

Jeanne E. Davidson,
Chairman, Section 301 Committee.

BILLING CODE 3190-01-M

Annex

| HTS Provision | : | Article |
|---|---|--|
| [The bracketed language in this list has been included only to clarify the scope of the numbered provisions which will be subject to increased duties. Articles described in the bracketed language will not be subject to increased duties.] | | |
| | | Natural honey: |
| | | [Packaged for retail sale] |
| | | Other: |
| 0409.00.0040 | | Extra light amber and lighter |
| 0410.00.00 | | Edible products of animal origin, not elsewhere specified or included |
| | | Guts, bladders and stomachs of animals (other than fish), whole and pieces thereof: |
| | | Prepared for use as sausage casings: |
| 0504.00.0020 | | Hog |
| | | Vegetables (uncooked or cooked by steaming or boiling in water), frozen: |
| | | Leguminous vegetables, shelled or unshelled: |
| | | Peas (<i>Pisum sativum</i>): |
| | | [If entered during the period from July 1 to September 30, inclusive, in any year] |
| 0710.21.40 | | Other |
| | | Dried vegetables, whole, cut, sliced, broken or in powder, but not further prepared: |
| | | [Potatoes whether or not cut or sliced but not further prepared; onions] |
| | | Mushrooms and truffles: |
| | | Mushrooms: |
| 0712.30.10 | | Air dried or sun dried |
| | | Other vegetables; mixtures of vegetables: |
| | | [Carrots; olives; garlic; fennel, marjoram, parsley, savory, tarragon; tomatoes] |
| | | Other vegetables; mixtures of vegetables: |
| | | [Sweet corn seeds of a kind used for sowing] |
| 0712.90.8090 | | Other |
| | | Other nuts, fresh or dried, whether or not shelled or peeled: |
| | | Other: |
| | | Pignolia: |
| 0802.90.25 | | Shelled |

Annex
2 of 44

| HTS Provision | : | Article |
|------------------|---|---------|
|------------------|---|---------|

Tea:

[Green tea (not fermented) in immediate packings of a content not exceeding 3 kg; other green tea (not fermented); black tea (fermented) and partly fermented tea, in immediate packings of a content not exceeding 3 kg]

0902.40.00 Other black tea (fermented) and other partly fermented tea

Pepper of the genus Piper; dried or crushed or ground fruits of the genus Capsicum (peppers) or of the genus Pimenta (e.g., allspice):

Fruits of the genus Capsicum or of the genus Pimenta (including allspice), dried or crushed or ground:

Of the genus Capsicum (including cayenne pepper, paprika and red pepper):

[Paprika; anaheim and ancho pepper]

Other:

0904.20.60 Not ground

Ginger, saffron, turmeric (curcuma), thyme, bay leaves, curry and other spices:

Ginger:

Not ground

0910.10.20

Seeds, fruits and spores, of a kind used for sowing:

Other:

Vegetable seeds:

Other:

Tomato

1209.91.8070

Hop cones, fresh or dried, whether or not ground, powdered or in the form of pellets; lupulin:

Hop cones, neither ground nor powdered nor in the form of pellets

1210.10.00

Plants and parts of plants (including seeds and fruits), of a kind used primarily in perfumery, in pharmacy or for insecticidal, fungicidal or similar purposes, fresh or dried, whether or not cut, crushed or powdered:

Licorice roots

Ginseng roots:

Cultivated

1211.10.00

1211.20.0020

Annex
3 of 44

| HTS Provision | : | Article |
|--|---|--|
| Plants and parts of plants etc. (con.): | | |
| | : | Other: |
| | : | [Mint leaves; tonka beans] |
| | : | Other: |
| | : | Substances having anesthetic, prophylactic or therapeutic properties and principally used as medicaments or as ingredients in medicaments: |
| | : | [Cocoa leaves; psyllium seed husks] |
| 1211.90.8030 | : | Other |
| | : | [Basil; sage] |
| | : | Other: |
| 1211.90.8080 | : | Herbal teas and herbal infusions (single species, unmixed) |
| 1211.90.8090 | : | Other |
| Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products: | | |
| | : | Vegetable saps and extracts: |
| | : | [Opium] |
| 1302.12.00 | : | Of licorice |
| | : | [Of hops; of pyrethrum or of the roots of plants containing rotenone] |
| | : | Other: |
| | : | Ginseng; substances having anesthetic, prophylactic or therapeutic properties: |
| | : | [Poppy straw extract] |
| | : | Other: |
| | : | [Ginseng] |
| 1302.19.4040 | : | Other |
| Vegetable products not elsewhere specified or included: | | |
| | : | [Raw vegetable materials of a kind used primarily in dyeing or tanning; cotton linters] |
| 1404.90.00 | : | Other |
| Sugar confectionery (including white chocolate), not containing cocoa: | | |
| | : | [Chewing gum, whether or not sugar-coated] |
| | : | Other: |
| | : | Confections or sweetmeats ready for consumption: |
| | : | [Candied nuts] |
| | : | Other: |
| 1704.90.2005 | : | Put up for retail sale |

Annex
4 of 44

| HTS Provision | : | Article |
|------------------|---|--|
| 1804.00.00 | : | Cocoa butter, fat and oil |
| | : | Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagna, gnocchi, ravioli, cannelloni; couscous, whether or not prepared: |
| | : | Uncooked pasta, not stuffed or otherwise prepared: |
| | : | [Containing eggs] |
| | : | Other: |
| 1902.19.20 | : | Exclusively pasta |
| | : | Mushrooms and truffles, prepared or preserved otherwise than by vinegar or acetic acid: |
| | : | Mushrooms: |
| | : | [Straw mushrooms] |
| | : | Other: |
| | : | In containers each holding not more than 255 g: |
| | : | [Whole (including buttons); sliced] |
| 2003.10.0037 | : | Other |
| | : | In containers each holding more than 255 g: |
| | : | [Whole (including buttons); sliced] |
| 2003.10.0053 | : | Other |
| | : | Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen: |
| | : | Other vegetables and mixtures of vegetables: |
| | : | Water chestnuts: |
| 2005.90.4020 | : | Whole |
| 2005.90.60 | : | Bamboo shoots in airtight containers |
| | : | Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included: |
| | : | Citrus fruit: |
| | : | [Peel; pulp] |
| | : | Other: |
| | : | Mandarins (including tangerines and satsumas); clementines, wilkings and similar citrus hybrids: |
| | : | Mandarins: |
| 2008.30.52 | : | Satsumas, in airtight containers, for an aggregate quantity entered in any calendar year not to exceed 40,000 metric tons |
| | : | Sauces and preparations therefor; mixed condiments and mixed seasonings; mustard flour and meal and prepared mustard: |
| 2103.10.00 | : | Soy sauce |

Annex
5 of 44

| HTS Provision | : | Article |
|------------------|---|--|
| | : | <p>Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing by weight 70 percent or more of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations:</p> <p>Motor fuel:</p> <p>Gasoline:</p> <p>2710.00.1515 Unleaded</p> <p>Lubricating oils and greases, with or without additives:</p> <p>Oils:</p> <p>2710.00.3020 [Aviation engine lubricating oils]</p> <p>Automotive, diesel or marine engine lubricating oils</p> <p>[Turbine lubricating oil, including marine; automotive gear oils; steam cylinder oils; quenching or cutting oils]</p> <p>2710.00.3080 Other</p> <p>Petroleum jelly; paraffin wax, microcrystalline petroleum wax, slack wax, ozokerite, lignite wax, peat wax, other mineral waxes and similar products obtained by synthesis or by other processes, whether or not colored:</p> <p>2712.20.00 Paraffin wax containing by weight less than 0.75 percent of oil</p> <p>Provitamins and vitamins, natural or reproduced by synthesis (including natural concentrates), derivatives thereof used primarily as vitamins, and intermixtures of the foregoing, whether or not in any solvent:</p> <p>Vitamins and their derivatives, unmixed:</p> <p>2936.27.00 Vitamin C (Ascorbic acid) and its derivatives</p> <p>Vegetable alkaloids, natural or reproduced by synthesis, and their salts, ethers, esters and other derivatives:</p> <p>2939.30.00 Caffeine and its salts</p> <p>Ephedrine and its salts:</p> <p>2939.40.10 Pseudoephedrine and its salts</p> <p>2939.40.50 Other</p> <p>Essential oils (terpeneless or not), including concretes and absolutes; resinoids; concentrates of essential oils in fats, in fixed oils, in waxes or the like, obtained by enfleurage or maceration; terpenic by-products of the deterpenation of essential oils; aqueous distillates and aqueous solutions of essential oils:</p> <p>Essential oils other than those of citrus fruit:</p> <p>[Of geranium; of jasmine; of lavender or of lavandin; of peppermint (<i>Mentha piperita</i>); of other mints; of vetiver]</p> |

Annex
6 of 44

| HTS Provision | : | Article |
|------------------|---|--|
| | : | Essential oils etc. (con.): |
| | : | Essential oils other than those of citrus fruit (con.): |
| | : | Other: |
| | : | [Of eucalyptus; of orris] |
| | : | Other: |
| | : | [Of anise; of caraway; of cassia; of cedarwood; of citronella; of clove; of lemongrass; of linaloe or bois de rose; of nutmeg; of onion or garlic; of patchouli; of petitgrain; of rose (attar of roses); of rosemary; of sandalwood; of sassafras including <u>Ocotea cymbarum</u> ; of ylang ylang or cananga] |
| 3301.29.5050 | | Other |
| 3406.00.00 | | Candles, tapers and the like |
| | | Articles for the conveyance or packing of goods, of plastics; stoppers, lids, caps and other closures, of plastics: |
| 3923.10.00 | | Boxes, cases, crates and similar articles |
| | | Sacks and bags (including cones): |
| | | [Of polymers of ethylene] |
| 3923.29.00 | | Of other plastics |
| | | Tableware, kitchenware, other household articles and toilet articles, of plastics: |
| | | Tableware and kitchenware: |
| | | [Salt, pepper, mustard and ketchup dispensers and similar dispensers] |
| 3924.10.20 | | Plates, cups, saucers, soup bowls, cereal bowls, sugar bowls, creamers, gravy boats, serving dishes and platters |
| | | [Trays] |
| 3924.10.50 | | Other |
| | | Other: |
| 3924.90.10 | | Curtains and drapes, including panels and valances; napkins, table covers, mats, scarves, runners, doilies, centerpieces, antimacassars and furniture slipcovers; and like furnishings |
| 3924.90.20 | | Picture frames |
| | | Other articles of plastics and articles of other materials of headings 3901 to 3914: |
| 3926.10.00 | | Office or school supplies |
| | | Articles of apparel and clothing accessories (including gloves): |
| | | [Gloves] |
| | | Other: |
| | | [Aprons] |
| 3926.20.5050 | | Other |

Annex
7 of 44HTS
Provision :

Article

Other articles of plastics etc. (con.):

[Fittings for furniture, coachwork or the like]

3926.40.00

Statuettes and other ornamental articles

Other:

[Buckets and pails; nursing nipples and pacifiers; ice bags; douche bags, epema bags, colostomy bags, hot water bottles, and fittings therefor; invalid and similar nursing cushions; crutch tips and grips; dress shields; finger cots; pessaries; prophylactics; sanitary belts; bulbs for syringes; syringes (other than hypodermic syringes) and fittings therefor, not in part of glass or metal; handles and knobs, not elsewhere specified or included, of plastics; parts for yachts or pleasure boats of heading 8903; parts of canoes, racing shells, pneumatic craft and pleasure boats which are not of a type designed to be principally used with motors or sails]

Beads, bugles and spangles, not strung (except temporarily) and not set; articles thereof, not elsewhere specified or included:

[Handbags]

3926.90.35

Other

[Imitation gemstones; gaskets, washers and other seals; frames or mounts for photographic slides; belting and belts, for machinery; clothespins]

3926.90.75

Pneumatic mattresses and other inflatable articles, not elsewhere specified or included

[Waterbed mattresses and liners, and parts of the foregoing; empty cartridges and cassettes for typewriter and machine ribbons; fasteners, in clips suitable for use in a mechanical attaching device; flexible plastic document binders with tabs, rolled or flat]

Other:

[Laboratory ware; reflective triangular warning signs for road use]

3926.90.9090

Other

Articles of apparel and clothing accessories (including gloves), for all purposes, of vulcanized rubber other than hard rubber:

Gloves:

4015.11.00

Surgical and medical

Annex
8 of 44

| HTS Provision | : | Article |
|------------------|---|---|
| | : | Trunks, suitcases, vanity cases, attache cases, briefcases, school satchels, spectacle cases, binocular cases, camera cases, musical instrument cases, gun cases, holsters and similar containers; traveling bags, toiletry bags, knapsacks and backpacks, handbags, shopping bags, wallets, purses, map cases, cigarette cases, tobacco pouches, tool bags, sports bags, bottle cases, jewelry boxes, powder cases, cutlery cases and similar containers, of leather or of composition leather, of plastic sheeting, of textile materials, of vulcanized fiber, or of paperboard, or wholly or mainly covered with such materials: |
| | | Trunks, suitcases, vanity cases, attache cases, briefcases, school satchels and similar containers: With outer surface of leather, of composition leather, or of patent leather: [Attache cases, brief cases, school satchels, occupational luggage cases and similar containers] |
| 4202.11.0090 | | Other [Handbags, whether or not with shoulder strap, including those without handle; articles of a kind normally carried in the pocket or in the handbag] |
| | | Other: With outer surface of leather, of composition leather or of patent leather: [Golf bags; travel, sports and similar bags] |
| 4202.91.0090 | | Other With outer surface of plastic sheeting or of textile materials: Travel, sports and similar bags: With outer surface of textile materials: Of vegetable fibers and not of pile or tufted construction: |
| 4202.92.15 | | Of cotton [Musical instrument cases] |
| | | Other: Other: With outer surface of textile materials: Other: Of man-made fibers |
| 4202.92.9020 | | |

Annex
9 of 44

| HTS Provision | : | Article |
|------------------|---|--|
| | : | Articles of apparel and clothing accessories, of leather or of composition leather: |
| | | Gloves, mittens and mitts: |
| | | [Specially designed for use in sports] |
| | | Other: |
| | | Gloves of horsehide or cowhide (except calfskin) leather: |
| 4203.29.05 | | Wholly of leather: |
| | | With fourchettes or sidewalls which, at a minimum, extend from fingertip to fingertip between each of the four fingers |
| | | Other articles of leather or of composition leather: |
| | | [Shoelaces; straps and strops] |
| | | Other: |
| 4205.00.80 | | [Of reptile leather] |
| | | Other |
| | | Articles of apparel, clothing accessories and other articles of furskin: |
| | | Articles of apparel and clothing accessories: |
| 4303.10.0030 | | Of mink |
| | | Wood marquetry and inlaid wood; caskets and cases for jewelry or cutlery and similar articles, of wood; statuettes and other ornaments, of wood; wooden articles of furniture not falling within chapter 94: |
| 4420.10.00 | | Statuettes and other ornaments, of wood |
| | | Other: |
| | | Jewelry boxes, silverware chests, cigar and cigarette boxes, microscope cases, tool or utensil cases and similar boxes, cases and chests, all the foregoing of wood: |
| | | [Cigar and cigarette boxes] |
| | | Other: |
| 4420.90.60 | | Lined with textile fabrics |
| | | Basketwork, wickerwork and other articles, made directly to shape from plaiting materials or made up from articles of heading 4601; articles of loofah: |
| | | Of vegetable materials: |
| | | [Fishing baskets or creels] |
| | | Other baskets and bags, whether or not lined: |
| | | [Of bamboo; of willow] |
| 4602.10.13 | | Of rattan or of palm leaf |
| 4602.10.19 | | Other |
| | | [Luggage, handbags and flatgoods, whether or not lined] |

Annex
10 of 44

| HTS Provision | : | Article |
|------------------|---|---|
| | : | Basketwork, wickerwork and other articles, etc. (con.): |
| | : | Of vegetable materials (con.): |
| | : | Other: |
| | : | [Of one or more of the materials bamboo, rattan, willow or wood] |
| 4602.10.50 | : | Other |
| | : | Cartons, boxes, cases, bags and other packing containers, of paper, paperboard, cellulose wadding or webs of cellulose fibers; box files, letter trays and similar articles, of paper or paperboard of a kind used in offices, shops or the like: |
| | : | [Sacks and bags, having a base of a width of 40 cm or more] |
| | : | Other sacks and bags, including cones: |
| | : | [Shipping sacks and multiwall bags, other than grocers' bags] |
| 4819.40.0040 | : | Other |
| | : | Registers, account books, notebooks, order books, receipt books, letter pads, memorandum pads, diaries and similar articles, exercise books, blotting pads, binders (looseleaf or other), folders, file covers, manifold business forms, interleaved carbon sets and other articles of stationery, of paper or paperboard; albums for samples or for collections and book covers (including cover boards and book jackets) of paper or paperboard: |
| | : | Registers, account books, notebooks, order books, receipt books, letter pads, memorandum pads, diaries and similar articles: |
| | : | Diaries, notebooks and address books, bound; |
| 4820.10.2010 | : | memorandum pads, letter pads and similar articles: |
| 4820.50.00 | : | Diaries and address books |
| | : | Albums for samples or for collections |
| | : | Printed or illustrated postcards; printed cards bearing personal greetings, messages or announcements, whether or not illustrated, with or without envelopes or trimmings: |
| | : | [Postcards] |
| | : | Other: |
| 4909.00.4020 | : | Greeting cards |
| | : | T-shirts, singlets, tank tops and similar garments, knitted or crocheted: |
| | : | Of other textile materials: |
| | : | Other: |
| | : | Women's or girls': |
| 6109.90.2020 | : | Containing 70 percent or more by weight of silk or silk waste |

Annex
11 of 44

| HTS Provision | : | Article |
|------------------|---|--|
| | : | |
| | | Sweaters, pullovers, sweatshirts, waistcoats (vests) and similar articles, knitted or crocheted: |
| | | Of other textile materials: |
| | | Sweaters: |
| | | Men's or boys': |
| | | Other: |
| 6110.90.0016 | | Of silk: |
| | | Containing 70 percent or more by weight of silk or silk waste |
| | | Women's or girls': |
| | | Other: |
| 6110.90.0032 | | Of silk: |
| | | Containing 70 percent or more by weight of silk or silk waste |
| | | Men's or boys' suits, ensembles, suit-type jackets, blazers, trousers, bib and brace overalls, breeches and shorts (other than swimwear): |
| | | Suit-type jackets and blazers: |
| | | Of other textile materials: |
| | | Other: |
| | | Other: |
| 6203.39.4040 | | Of silk: |
| | | Containing 70 percent or more by weight of silk or silk waste |
| | | Trousers, bib and brace overalls, breeches and shorts: |
| | | Of other textile materials: |
| | | Other: |
| | | Trousers and breeches: |
| | | Other: |
| 6203.49.3035 | | Of silk: |
| | | Containing 70 percent or more by weight of silk or silk waste |
| | | Women's or girls' suits, ensembles, suit-type jackets and blazers, dresses, skirts, divided skirts, trousers, bib and brace overalls, breeches and shorts (other than swimwear): |
| | | Skirts and divided skirts: |
| | | Of other textile materials: |
| | | Other: |
| | | Other: |
| 6204.59.4040 | | Of silk: |
| | | Containing 70 percent or more by weight of silk or silk waste |
| | | Men's or boys' shirts: |
| | | Of other textile materials: |
| | | Of silk or silk waste: |
| | | Other: |
| 6205.90.2040 | | Containing 70 percent or more by weight of silk or silk waste |

Annex
12 of 44

| HTS Provision | : | Article |
|------------------|---|---|
| <hr/> | | |
| | | Handkerchiefs: |
| | | Of silk or silk waste: |
| 6213.10.10 | | Containing 70 percent or more by weight of silk or silk waste |
| | | Footwear, with outer soles of rubber, plastics, leather or composition leather and uppers of leather: |
| | | [Sports footwear; footwear with outer soles of leather, and uppers which consist of leather straps across the instep and around the big toe; footwear made on a base or platform of wood, not having an inner sole or a protective metal toe-cap] |
| | | Other footwear, incorporating a protective metal toe-cap: |
| | | Welt footwear: |
| | | [With pigskin uppers] |
| 6403.40.3090 | | Other |
| | | [Other footwear with outer soles of leather] |
| | | Other footwear: |
| | | Covering the ankle: |
| | | Welt footwear: |
| | | [Work footwear] |
| | | Other: |
| | | For men: |
| | | [With pigskin uppers] |
| 6403.91.3060 | | Other |
| | | Other: |
| | | For men, youths and boys: |
| | | [Work footwear] |
| | | Other: |
| | | Tennis shoes, basketball shoes, gym shoes, training shoes and the like for men: |
| | | [With pigskin uppers] |
| 6403.91.6040 | | Other |
| | | For other persons |
| | | [Work footwear] |
| | | Other: |
| | | For women: |
| | | [With pigskin uppers] |
| 6403.91.9040 | | Other |
| 6403.91.9070 | | For infants |

Annex
13 of 44HTS
Provision :

Article

Footwear with outer soles of rubber, plastics, etc. (con.):

Other footwear (con.):

Other:

[Footwear made on a base or platform of wood]

Other:

[Welt footwear]

Other:

For men, youths and boys:

[House slippers; work footwear]

Other:

Tennis shoes, basketball
shoes, gym shoes, training
shoes and the like for men:

[With pigskin uppers]

Other

6403.99.6040

For other persons:

Valued over \$2.50/pair:

[House slippers;
footwear]

Other:

Tennis shoes, basket-
ball shoes, and the like
for women and misses:
[With pigskin
uppers]

6403.99.9030

Other

[Tennis shoes, basket-
ball shoes, and the
like for children and
infants]

Other:

For women:

[With pigskin
uppers]

6403.99.9060

Other

6403.99.9070

For misses

6403.99.9080

For children

6403.99.9090

For infants

Annex
14 of 44

| HTS | : | Article |
|-----------|---|---------|
| Provision | : | |

Footwear with outer soles of rubber, plastics, leather or composition leather and uppers of textile materials:

Footwear with outer soles of rubber or plastics:

Sports footwear; tennis shoes, basketball shoes, gym shoes, training shoes and the like:

Having uppers of which over 50 percent of the external surface area (including any leather accessories or reinforcements such as those mentioned in note 4(a) to chapter 64 of the HTS) is leather:

For men

For women

Other:

Valued over \$6.50 but not over \$12/pair:

For men

Other:

Footwear having uppers of which over 50 percent of the external surface area (including any leather accessories or reinforcements such as those mentioned in note 4(a) to chapter 64 of the HTS) is leather:

For men

Footwear with outer soles of leather or composition leather:

Not over 50 percent by weight of rubber or plastics and not over 50 percent by weight of textile materials and rubber or plastics with at least 10 percent by weight being rubber or plastics:

Valued over \$2.50/pair:

For women

Parts of footwear; removable insoles, heel cushions and similar articles; gaiters, leggings and similar articles, and parts thereof:

Uppers and parts thereof, other than stiffeners:

[Formed uppers]

Other:

[Of rubber or plastics; of leather; of textile materials of which over 50 percent of the external surface area (including any leather accessories or reinforcements such as mentioned in note 4(a) to chapter 64 of the HTS) is leather]

Annex
15 of 44

| HTS Provision | : | Article |
|------------------|---|---|
| | : | |
| | : | Parts of footwear; removable insoles, etc. (con.): |
| | : | Uppers and parts thereof, etc. (con.): |
| | : | Other (con): |
| | : | Other: |
| | : | Of cotton: |
| | : | [Uppers of which less than 50 percent of the external surface area (including any leather, rubber or plastics accessories or reinforcements such as mentioned in note 4(a) to chapter 64 of the HTS) is textile materials] |
| 6406.10.77 | : | Other |
| | : | Umbrellas and sun umbrellas (including walking-stick umbrellas, garden umbrellas and similar umbrellas): |
| 6601.10.00 | : | Garden or similar umbrellas |
| | : | Tableware, kitchenware, other household articles and toilet articles, of porcelain or china: |
| | : | Tableware and kitchenware: |
| | : | [Hotel or restaurant ware and other ware not household ware] |
| | : | Other: |
| | : | [Of bone chinaware] |
| | : | Other: |
| | : | Available in specified sets: |
| | : | In any pattern for which the aggregate value of the articles listed in additional U.S. note 6(b) of chapter 69 of the HTS is over \$56: |
| 6911.10.3910 | : | Plates not over 27.9 cm in maximum dimension; teacups and saucers; mugs; soups, fruits and cereals, the foregoing not over 22.9 cm in maximum dimension |
| | : | Other: |
| | : | [Steins with permanently attached pewter lids, candy boxes, decanters, punch bowls, pretzel dishes, tidbit dishes, tiered servers, bonbon dishes, egg cups, spoons and spoon rests, oil and vinegar sets, tumblers and salt and pepper shaker sets] |

Annex
16 of 44HTS
Provision :

Article

Tableware, kitchenware, other household articles, etc. (con.):

Tableware and kitchenware (con.):

Other (con.):

Other (con.):

Other (con.):

6911.10.45

Mugs and other steins

[Cups valued over \$8 per dozen;
saucers valued over \$5.25 per dozen;
soups, oatmeals and cereals valued
over \$9.30 per dozen; plates not
over 22.9 cm in maximum diameter and
valued over \$8.50 per dozen; plates
over 22.9 but not over 27.9 cm in
maximum diameter and valued over
\$11.50 per dozen; platters or chop
dishes valued over \$40 per dozen;
sugars valued over \$23 per dozen;
creamers valued over \$20 per dozen;
beverage servers valued over
\$50 per dozen; serviette rings]

6911.10.80

Other

Other:

[Toilet articles]

6911.90.0050

Other

Annex
17 of 44HTS :
Provision :

Article

Ceramic tableware, kitchenware, other household articles and toilet articles, other than of porcelain or china:

Tableware and kitchenware:

[Of coarse-grained earthenware, or of coarse-grained stoneware; of fine-grained earthenware, whether or not decorated, having a reddish-colored body and a lustrous glaze which, on teapots, may be any color, but which, on other articles, must be mottled, streaked or solidly colored brown to black with metallic oxide or salt]

Other:

[Hotel or restaurant ware and other ware not household ware]

Other:

Available in specified sets:

In any pattern for which the aggregate value of the articles listed in additional U.S. note 6(b) of chapter 69 of the HTS is over \$38:

6912.00.3910

Plates not over 27.9 cm in maximum dimension; teacups and saucers; mugs; soups, fruits and cereals, the foregoing not over 22.9 cm in maximum dimension

Other:

[Steins with permanently attached pewter lids; candy boxes, decanters, punch bowls, pretzel dishes, tidbit dishes, tiered servers, bonbon dishes, egg cups, spoons and spoon rests, oil and vinegar sets, tumblers and salt and pepper shaker sets]

6912.00.44

Mugs and other steins
[Cups valued over \$5.25 per dozen; saucers valued over \$3 per dozen; soups, oatmeals and cereals valued over \$6 per dozen; plates not over 22.9 cm in maximum diameter and valued over \$6 per dozen; plates over 22.9 but not over 27.9 cm in maximum diameter and valued over \$8.50 per dozen; platters or chop dishes valued over \$35 per dozen; sugars valued over \$21 per dozen; creamers valued over \$15 per dozen; beverage servers valued over \$42 per dozen; serviette rings]

6912.00.48

6912.00.50

Other

Other

Annex
18 of 44

| HTS Provision | : | Article |
|------------------|---|---------|
|------------------|---|---------|

Statuettes and other ornamental ceramic articles:

Of porcelain or china:

[Statues, statuettes and handmade flowers, valued over \$2.50 each and produced by professional sculptors or directly from molds made from original models produced by professional sculptors]

Other:

[Of bone chinaware]

Other

6913.10.50

Other:

[Statues, statuettes and handmade flowers, valued over \$2.50 each and produced by professional sculptors or directly from molds made from original models produced by professional sculptors]

Other:

[Of ceramic tile; of earthenware, whether or not decorated, having a reddish-colored body and a lustrous glaze, and mottled, streaked or solidly colored brown to black with metallic oxide or salt]

6913.90.50

Other

Other ceramic articles:

6914.10.00

Of porcelain or china

Glass mirrors, whether or not framed, including rear-view mirrors:

[Rear-view mirrors for vehicles]

Other:

Framed:

7009.92.10

Not over 929 cm² in reflecting area

Articles of jewelry and parts thereof, of precious metal or of metal clad with precious metal:

Of precious metal whether or not plated or clad with precious metal:

[Of silver, whether or not plated or clad with other precious metal]

Of other precious metal, whether or not plated or clad with precious metal:

[Rope, curb, cable, chain and similar articles produced in continuous lengths, all the foregoing, whether or not cut to specific lengths and whether or not set with imitation pearls or imitation gemstones, suitable for use in the manufacture of articles provided for in heading 7113 of the HTS]

Annex
19 of 44

| HTS Provision | : | Article |
|------------------|---|---------|
|------------------|---|---------|

Articles of jewelry and parts thereof etc. (con.):

Of precious metal whether or not plated etc. (con.):

Of other precious metal etc. (con.):

Other:

[Necklaces and neck chains, of gold; clasps
and parts thereof]

7113.19.50

Other

Imitation jewelry:

Of base metal, whether or not plated with precious metal:

[Cuff links and studs]

Other:

[Rope, curb, cable, chain and similar articles
produced in continuous lengths, all the
foregoing, whether or not cut to specific
lengths and whether or not set with imitation
pearls or imitation gemstones, suitable for
use in the manufacture of articles provided
for in heading 7117 of the HTS; religious
articles of a purely devotional character
designed to be worn on apparel or carried on or
about or attached to the person]

7117.19.50

Other

Other:

[Necklaces, valued not over 30 cents per dozen,
composed wholly of plastic shapes mounted on
fiber string; religious articles of a purely
devotional character designed to be worn on apparel
or carried on or about or attached to the person]

7117.90.50

Other:

Valued over 20 cents per dozen pieces or parts

Coin:

[Coin (other than gold coin), not being legal tender]

Other:

Gold:

[Canadian maple leaf]

7118.90.0019

Other

[Platinum]

7118.90.0055

Other

Annex
20 of 44HTS :
Provision :

Article

Tube or pipe fittings (for example, couplings, elbows, sleeves), of iron or steel:

[Cast fittings; other, of stainless steel]

Other:

Flanges:

[Not machined, not tooled and not otherwise processed after forging]

Other:

With an inside diameter of less than 360 mm:

Of iron or nonalloy steel

With an inside diameter of 360 mm or more:

Of iron or nonalloy steel

Butt welding fittings:

With an inside diameter of less than 360 mm:

Of iron or nonalloy steel

7307.91.5010

7307.91.5050

7307.93.30

Cloth (including endless bands), grill, netting and fencing, of iron or steel wire; expanded metal of iron or steel:

[Grill, netting and fencing, welded at the intersection, of wire with a maximum cross-sectional dimension of 3 mm or more and having a mesh size of 100 cm² or more]

Other grill, netting and fencing, welded at the intersection:

[Wire fencing coated or plated with zinc, whether or not covered with plastic material]

7314.30.50

Other

Chain and parts thereof, of iron or steel:

Articulated link chain and parts thereof:

Roller chain

7315.11.00

Screws, bolts, nuts, coach screws, screw hooks, rivets, cotters, cotter pins, washers (including spring washers) and similar articles, of iron or steel:

Threaded articles:

[Coach screws; other wood screws; screw hooks and screw rings; self-tapping screws]

Other screws and bolts, whether or not with their nuts or washers:

Bolts and bolts and their nuts or washers entered in the same shipment:

Having shanks or threads with a diameter of 6 mm or more:

[Track bolts; structural bolts; bent bolts]

Other:

With hexagonal heads

7318.15.2060

Annex
21 of 44

| HTS Provision | : | Article |
|------------------|---|--|
| | : | Screws, bolts, nuts, coach screws, screw hooks, etc. (con.): |
| | : | Threaded articles (con.): |
| | : | Other screws and bolts, etc. (con.): |
| 7318.15.40 | : | Machine screws 9.5 mm or more in length and 3.2 mm or more in diameter (not including cap screws) |
| | : | Non-threaded articles: |
| | : | [Spring washers and other lock washers] |
| 7318.22.00 | : | Other washers |
| | : | Table, kitchen or other household articles and parts thereof, of iron or steel; iron or steel wool; pot scourers and scouring or polishing pads, gloves and the like, of iron or steel: |
| | : | [Iron or steel wool; pot scourers and scouring or polishing pads, gloves and the like] |
| | : | Other: |
| | : | [Of cast iron, not enameled; of cast iron, enameled] |
| | : | Of stainless steel: |
| | : | Cooking and kitchen ware: |
| | : | [Teakettles] |
| | : | Other: |
| 7323.93.0060 | : | Kitchen ware |
| | : | [Of iron (other than cast iron) or steel, enameled] |
| | : | Other: |
| | : | Coated or plated with precious metal: |
| 7323.99.10 | : | Coated or plated with silver |
| | : | Not coated or plated with precious metal: |
| 7323.99.50 | : | Of tinplate |
| | : | Other: |
| | : | [Cookingware] |
| 7323.99.90 | : | Other |
| | : | Other cast articles of iron or steel: |
| | : | Of nonmalleable cast iron: |
| | : | [Manhole covers, rings and frames] |
| 7325.10.0050 | : | Other |

Annex
22 of 44HTS :
Provision :

Article

Other articles of copper:

[Chain and parts thereof]

Other:

[Cast, molded, stamped or forged, but not further worked]

Other:

[Containers of a kind normally carried on the person, in the pocket or in the handbag]

Other:

[Coated or plated with precious metal]

Other:

[Brass plumbing goods not elsewhere specified or included]

7419.99.5050

Other

Table, kitchen or other household articles and parts thereof, of aluminum; pot scourers and scouring or polishing pads, gloves and the like, of aluminum; sanitary ware and parts thereof, of aluminum:

Table, kitchen or other household articles and parts thereof; pot scourers and scouring or polishing pads, gloves and the like:

Cooking and kitchen ware:

Enameled or glazed or containing nonstick interior finishes:

[Cast]

Other

7615.10.30

Other articles of aluminum:

[Nails, tacks, staples (other than those of heading 8305 of the HTS), screws, bolts, nuts, screw hooks, rivets, cotters, cotter-pins, washers and similar articles]

Other:

[Ladders; venetian blinds and parts thereof; hangers and supports for pipes and tubes]

Other:

[Castings; forgings]

Other:

[Articles of wire]

Other

7616.90.0080

Unwrought tin:

8001.10.00

Tin, not alloyed

Tin alloys:

8001.20.0010

Containing, by weight, 5 percent or less of lead

Annex
23 of 44

| HTS Provision | : | Article |
|------------------|---|--|
| | : | Files, rasps, pliers (including cutting pliers), pincers, tweezers, metal cutting shears, pipe-cutters, bolt cutters, perforating punches and similar handtools, and base metal parts thereof: |
| | : | Pliers (including cutting pliers), pincers, tweezers and similar tools, and parts thereof: |
| | : | [Tweezers] |
| | : | Other: |
| | : | [Slip joint pliers] |
| | : | Other (except parts): |
| 8203.20.6030 | : | Pliers |
| | : | Hand-operated spanners and wrenches (including torque meter wrenches but not including tap wrenches); socket wrenches, with or without handles, drives or extensions; base metal parts thereof: |
| 8204.11.00 | : | Hand-operated spanners and wrenches, and parts thereof: |
| 8204.12.00 | : | Nonadjustable, and parts thereof |
| | : | Adjustable, and parts thereof |
| | : | Handtools (including glass cutters) not elsewhere specified or included; blow torches and similar self-contained torches; vises, clamps and the like, other than accessories for and parts of machine tools; anvils; portable forges; hand- or pedal-operated grinding wheels with frameworks; base metal parts thereof: |
| 8205.20.30 | : | Hammers and sledge hammers, and parts thereof: |
| 8205.40.00 | : | With heads not over 1.5 kg each |
| | : | Screwdrivers, and parts thereof |
| | : | Other handtools (including glass cutters) and parts thereof: |
| | : | Household tools, and parts thereof: |
| | : | Of iron or steel: |
| | : | [Carving and butcher steels, with or without handles] |
| | : | Other (including parts): |
| 8205.51.3030 | : | Kitchen and table implements |
| | : | Vises, clamps and the like, and parts thereof: |
| | : | Vises: |
| | : | [Pipe] |
| 8205.70.0060 | : | Other |

Annex
24 of 44HTS :
Provision :

Article

Knives with cutting blades, serrated or not (including pruning knives), other than knives of heading 8208 of the HTS, and blades and other base metal parts thereof:

[Sets of assorted articles]

Other:

Table knives having fixed blades, and parts thereof:

[Knives with silver-plated handles]

Knives with stainless steel handles:

[With handles containing nickel or containing over 10 percent by weight of manganese]

Other:

[Valued under 25¢ each, not over 25.9 cm in overall length]

8211.91.40

Other

Knives having other than fixed blades, and parts thereof (except blades):

8211.93.0030

Pen knives, pocket knives and other knives which have folding blades

Other articles of cutlery (for example, hairclippers, butchers' or kitchen cleavers, chopping or mincing knives, paper knives); manicure or pedicure sets and instruments (including nail files); base metal parts thereof:

8214.10.00

Paper knives, letter openers, erasing knives, pencil sharpeners (nonmechanical) and blades and other parts thereof

Spoons, forks, ladles, skimmers, cake-servers, fish-knives, butter-knives, sugar tongs, and similar kitchen or tableware; and base metal parts thereof:

[Sets of assorted articles containing at least one article plated with precious metal; other sets of assorted articles]

Other:

[Plated with precious metal]

Other:

Forks:

With stainless steel handles:

[With handles containing nickel or containing over 10 percent by weight of manganese]

Other:

Valued under 25¢ each

8215.99.10

Spoons and ladles:

With stainless steel handles:

8215.99.30

Spoons valued under 25¢ each

Annex
25 of 44

| HTS Provision | : | Article |
|------------------|---|--|
| | : | Padlocks and locks (key, combination or electrically operated), of base metal; clasps and frames with clasps, incorporating locks, of base metal; keys and parts of any of the foregoing articles, of base metal: |
| | : | Padlocks: |
| 8301.10.80 | : | Of cylinder or pin tumbler construction: |
| | : | Over 3.8 cm but not over 6.4 cm in width |
| | : | [Locks of a kind used on motor vehicles; locks of a kind used for furniture] |
| | : | Other locks: |
| | : | [Luggage locks] |
| 8301.40.6030 | : | Other: |
| | : | Door locks, locksets and other locks suitable for use with interior or exterior doors (except garage, overhead or sliding doors) |
| | : | Fittings for looseleaf binders or files, letter clips, letter corners, paper clips, indexing tags and similar office articles, and parts thereof, of base metal; staples in strips (for example, for offices, upholstery, packaging), of base metal: |
| 8305.10.0010 | : | Fittings for looseleaf binders or files: |
| | : | Ring binder mechanisms |
| | : | Bells, gongs and the like, nonelectric, of base metal; statuettes and other ornaments, of base metal; photograph, picture or similar frames, of base metal; mirrors of base metal; and base metal parts thereof: |
| | : | Statuettes and other ornaments, and parts thereof: |
| 8306.29.00 | : | [Plated with precious metal, and parts thereof] |
| 8306.30.00 | : | Other |
| | : | Photograph, picture or similar frames; mirrors; and parts thereof |
| | : | Air or vacuum pumps, air or other gas compressors and fans; ventilating or recycling hoods incorporating a fan, whether or not fitted with filters; parts thereof: |
| | : | [Vacuum pumps; hand- or foot-operated air pumps; compressors of a kind used in refrigerating equipment (including air conditioning); air compressors mounted on a wheeled chassis for towing] |
| | : | Fans: |
| | : | Table, floor, wall, window, ceiling or roof fans, with a self-contained electric motor of an output not exceeding 125 W: |
| 8414.51.0030 | : | For permanent installation: |
| 8414.51.0090 | : | Ceiling fans |
| | : | Other |

Annex
26 of 44

| HTS Provision | : | Article |
|------------------|---|--|
| | : | Air or vacuum pumps, air or other gas compressors etc. (con.): [Hoods having a maximum horizontal side not exceeding 120 cm] |
| | : | Other, except parts: Air compressors: Portable: |
| 8414.80.1085 | : | Under 0.57 cubic meters per minute |
| | : | Refrigerators, freezers and other refrigerating or freezing equipment, electric or other; heat pumps, other than the air conditioning machines of heading 8415 of the HTS; parts thereof: |
| | : | Refrigerators, household type: Compression type: |
| 8418.21.0010 | : | Having a refrigerated volume of under 184 liters |
| | : | Pulley tackle and hoists other than skip hoists; winches and capstans; jacks: |
| | : | Jacks; hoists of a kind used for raising vehicles: [Built-in jacking systems of a type used in garages] |
| 8425.42.00 | : | Other jacks and hoists, hydraulic |
| 8425.49.00 | : | Other |
| | : | Lathes for removing metal: Horizontal lathes: [Numerically controlled] |
| | : | Other: [Used or rebuilt; other, valued under \$3,025 each] |
| | : | Other: |
| 8458.19.0030 | : | Engine or toolroom lathes |
| | : | Calculating machines; accounting machines, cash registers, postage-franking machines, ticket-issuing machines and similar machines, incorporating a calculating device: |
| 8470.10.00 | : | Electronic calculators capable of operation without an external source of power |
| | : | Other electronic calculating machines: |
| 8470.21.00 | : | Incorporating a printing device |
| 8470.29.00 | : | Other |
| | : | Machinery for sorting, screening, separating, washing, crushing, grinding, mixing or kneading earth, stone, ores or other mineral substances, in solid (including powder or paste) form; machinery for agglomerating, shaping or molding solid mineral fuels, ceramic paste, unhardened cements, plastering materials or other mineral products in powder or paste form; machines for forming foundry molds of sand; parts thereof: |
| 8474.20.00 | : | Crushing or grinding machines |

Annex
27 of 44

| HTS Provision | : | Article |
|--|---|--|
| Electric motors and generators (excluding generating sets): | | |
| Motors of an output not exceeding 37.5 W: | | |
| Of under 18.65 W: | | |
| [Synchronous, valued not over \$4 each] | | |
| Other: | | |
| 8501.10.4020 | : | AC |
| | : | DC: |
| | : | [Brushless] |
| 8501.10.4060 | : | Other |
| Of 18.65 W or more but not exceeding 37.5 W: | | |
| DC: | | |
| | : | [Brushless] |
| 8501.10.6060 | : | Other |
| Other DC motors; DC generators: | | |
| Of an output not exceeding 750 W: | | |
| Motors: | | |
| 8501.31.40 | : | Exceeding 74.6 W but not exceeding 735 W |
| Other AC motors, single-phase: | | |
| Of an output exceeding 74.6 W but not exceeding 735 W: | | |
| [Gear motors] | | |
| 8501.40.4040 | : | Other |
| Electrical transformers, static converters (for example, rectifiers) and inductors; parts thereof: | | |
| 8504.10.00 | : | Ballasts for discharge lamps or tubes |
| [Liquid dielectric transformers] | | |
| Other transformers: | | |
| Having a power handling capacity not exceeding 1 kVA: | | |
| 8504.31.20 | : | Unrated |
| Static converters: | | |
| Rectifiers and rectifying apparatus: | | |
| Power supplies: | | |
| 8504.40.0004 | : | With a power output not exceeding 50 W |
| | : | [With a power output exceeding 50 W but not exceeding 500 W] |
| 8504.40.0015 | : | Other |
| 8504.40.0025 | : | Other |
| | : | [Inverters] |
| 8504.40.0060 | : | Other |
| Electromagnets; permanent magnets and articles intended to become permanent magnets after magnetization; electromagnetic or permanent magnet chucks, clamps and similar holding devices; electromagnetic couplings, clutches and brakes; electromagnetic lifting heads; parts thereof: | | |
| Permanent magnets and articles intended to become permanent magnets after magnetization: | | |
| 8505.11.00 | : | Of metal |
| 8505.19.00 | : | Other |

Annex
28 of 44

| HTS Provision | : | Article |
|------------------|---|---|
| | : | Electromechanical domestic appliances, with self-contained electric motor; parts thereof: |
| | : | Food grinders, processors and mixers; fruit or vegetable juice extractors: |
| 8509.40.0030 | : | Juice extractors |
| | : | Electric instantaneous or storage water heaters and immersion heaters; electric space heating apparatus and soil heating apparatus; electrothermic hairdressing apparatus (for example, hair dryers, hair curlers, curling tong heaters) and hand dryers; electric flatirons; other electrothermic appliances of a kind used for domestic purposes; electric heating resistors, other than those of heading 8545 of the HTS; parts thereof: |
| | : | Electric space heating apparatus and electric soil heating apparatus: |
| | : | Other: |
| | : | Portable space heaters: |
| | : | [Fan-forced] |
| 8516.29.0060 | : | Other |
| | : | Electric flatirons: |
| 8516.40.20 | : | Travel type |
| 8516.40.40 | : | Other |
| | : | Other electrothermic appliances: |
| | : | Coffee or tea makers: |
| | : | Coffee makers: |
| 8516.71.0020 | : | Automatic drip and pump type |
| | : | [Percolator] |
| 8516.71.0060 | : | Other |
| 8516.71.0080 | : | Other |
| | : | Electric heating resistors: |
| | : | [Assembled only with simple insulated former and electrical connections, used for anti-icing or deicing] |
| 8516.80.80 | : | Other |
| | : | Microphones and stands therefor; loudspeakers, whether or not mounted in their enclosures; headphones, earphones and combined microphone/speaker sets; audio-frequency electric amplifiers; electric sound amplifier sets; parts thereof: |
| | : | Microphones and stands therefor: |
| 8518.10.0020 | : | Microphones |
| | : | Loudspeakers, whether or not mounted in their enclosures: |
| | : | [Single loudspeakers, mounted in their enclosures; |
| | : | multiple loudspeakers, mounted in the same enclosure] |
| 8518.29.00 | : | Other |
| | : | Headphones, earphones and combined microphone/speaker sets: |
| | : | [Telephone handsets] |
| 8518.30.20 | : | Other |
| | : | Audio-frequency electric amplifiers: |
| | : | [For use as repeaters in line telephony] |
| 8518.40.20 | : | Other |

Annex
29 of 44

| HTS Provision | : | Article |
|--|---|--|
| Turntables, record players, cassette players and other sound reproducing apparatus, not incorporating a sound recording device: [Coin- or token-operated record players; other record players; turntables; transcribing machines] | | |
| Other sound reproducing apparatus: Cassette type: [Designed exclusively for motor vehicle installation] | | |
| 8519.91.0040 | | Other: AC only |
| 8519.91.0060 | | Other: Without speakers, other than headphones, ear phones or headsets |
| 8519.91.0080 | | Other |
| 8519.99.0045 | | Other: Audio laser disc players (compact disc) |
| Magnetic tape recorders and other sound recording apparatus, whether or not incorporating a sound reproducing device: [Dictating machines not capable of operating without an external source of power] | | |
| 8520.20.00 | | Telephone answering machines Other magnetic tape recorders incorporating sound reproducing apparatus: Cassette type: Microcassette type |
| 8520.31.0020 | | Other: [AC only] |
| 8520.31.0070 | | Other: Without speakers other than headphones, earphones or headsets |
| 8520.31.0090 | | Other |
| 8520.90.00 | | Other |
| Parts and accessories of apparatus of headings 8519 to 8521 of the HTS: [Pickup cartridges] | | |
| Other: [Assemblies and subassemblies of articles provided for in subheading 8520.90 of the HTS, consisting of two or more pieces fastened or joined together; parts of telephone answering machines] | | |
| Other: [Magnetic recording and reproducing heads] | | |
| 8522.90.9080 | | Other |

Annex
30 of 44

| HTS Provision | : | Article |
|------------------|---|---|
| | : | Prepared unrecorded media for sound recording or similar recording of other phenomena, other than products of chapter 37 of the HTS: |
| | : | Magnetic tapes: |
| 8523.11.00 | : | Of a width not exceeding 4 mm |
| | : | Of a width exceeding 6.5 mm: |
| 8523.13.0040 | : | Suitable for video recording: |
| 8523.20.00 | : | In cassettes |
| | : | Magnetic discs |
| | : | Transmission apparatus for radiotelephony, radiotelegraphy, radiobroadcasting or television, whether or not incorporating reception apparatus or sound recording or reproducing apparatus; television cameras: |
| | : | Transmission apparatus: |
| | : | Television: |
| 8525.10.2020 | : | Converters, decoders, preamplifiers, line amplifiers, distribution amplifiers and other amplifiers; directional couplers and other couplers; all the foregoing designed for cable or closed-circuit television applications |
| | : | Transmission apparatus incorporating reception apparatus: |
| | : | Transceivers: |
| | : | Citizens Band (CB): |
| | : | [Hand-held] |
| 8525.20.15 | : | Other |
| | : | Other: |
| 8525.20.50 | : | Cordless handset telephones |
| | : | Other: |
| 8525.20.6020 | : | Radio telephones designed for installation in motor vehicles for the Public Cellular Radiotelecommunication Service |
| | : | Reception apparatus for radiotelephony, radiotelegraphy or radiobroadcasting, whether or not combined, in the same housing, with sound recording or reproducing apparatus or a clock: |
| | : | Radiobroadcast receivers not capable of operating without an external source of power, of a kind used in motor vehicles, including apparatus capable of receiving also radiotelephony or radiotelegraphy: |
| | : | Combined with sound recording or reproducing apparatus: |
| | : | Radio-tape player combinations: |
| | : | Cassette type: |
| 8527.21.1010 | : | Stereo |
| 8527.21.1020 | : | Other |

Annex
31 of 44

| HTS Provision | : | : | Article |
|---|---|---|---|
| Television receivers (including video monitors and video projection television receivers), whether or not combined, in the same housing, with radiobroadcast receivers or sound or video recording or reproducing apparatus: | | | |
| Color: | | | |
| [Video recording or reproducing apparatus incorporating a television tuner] | | | |
| Other television receivers: | | | |
| Having a picture tube: | | | |
| [Combined with radiobroadcast receivers or sound or video recording or reproducing apparatus] | | | |
| Other: | | | |
| Television receivers containing in a single housing apparatus for receiving and displaying from off-the-air each standard U.S. broadcast channel, with or without external speakers, having a single picture tube intended for direct viewing, with a video display diagonal: | | | |
| 8528.10.8015 | | | Exceeding 26 cm but not exceeding 33 cm |
| 8528.10.8020 | | | Exceeding 33 cm but not exceeding 35 cm |
| Black and white or other monochrome: | | | |
| Combined with radiobroadcast receivers or sound or video recording or reproducing apparatus, having a video display diagonal: | | | |
| 8528.20.0005 | | | Not exceeding 16 cm |
| Other: | | | |
| Television receivers containing in a single housing apparatus for receiving and displaying from off-the-air each standard U.S. broadcast channel, with or without external speakers, having a single picture tube intended for direct viewing, with a video display diagonal: | | | |
| 8528.20.0020 | | | Not exceeding 17 cm |
| 8528.20.0035 | | | Exceeding 26 cm but not exceeding 33 cm |
| Parts suitable for use solely or principally with the apparatus of headings 8525 to 8528 of the HTS: | | | |
| Antennas and antenna reflectors of all kinds; parts suitable for use therewith: | | | |
| [Television; radar, radio navigational aid and radio remote control] | | | |
| 8529.10.60 | | | Other |

Annex
32 of 44

| HTS Provision | : | Article |
|------------------|---|---------|
|------------------|---|---------|

Parts suitable for use solely or principally with the apparatus of headings 8525 to 8528 of the HTS (con.):

Other:

Of television apparatus:

[Tuners; printed circuit boards and ceramic substrates with components assembled thereon, for color television receivers; subassemblies containing one or more of such boards or substrates, except tuners or convergence assemblies]

Other:

[Parts of television cameras]

Other:

[Convergence assemblies, flybacks, focus coils and degaussing coils]

Other

8529.90.3580

Electric sound or visual signaling apparatus (for example, bells, sirens, indicator panels, burglar or fire alarms), other than those of heading 8512 or 8530 of the HTS; parts thereof:

Burglar or fire alarms and similar apparatus:

Other:

Burglar alarms

[Indicator panels incorporating liquid crystal devices (LCD's) or light emitting diodes (LED's)]

8531.10.0035

Other apparatus:

[Horns; paging alert devices; radar detectors of a kind used in motor vehicles]

8531.80.0040

Other sound signaling apparatus

Printed circuits:

Plastics impregnated, not flexible type:

Having a base wholly of impregnated glass:

[With 3 or more layers of conducting materials]

Other

8534.00.0040

Electrical apparatus for switching or protecting electrical circuits, or for making connections to or in electrical circuits (for example, switches, relays, fuses, surge suppressors, plugs, sockets, lamp-holders, junction boxes), for a voltage not exceeding 1,000 V:

[Fuses; automatic circuit breakers]

Other apparatus for protecting electrical circuits

[Relays]

Other switches:

[Motor starters]

Other:

[Rotary; push-button; snap-action, other than limit; knife; slide; limit]

8536.30.00

8536.50.0060

Other

Annex
33 of 44

| HTS Provision | : | Article |
|------------------|---|--|
| | : | Electrical apparatus for switching or protecting etc. (con.): |
| 8536.61.00 | | Lamp-holders, plugs and sockets: |
| | | Lamp-holders |
| | | Other: |
| | | [Coaxial connectors; cylindrical multicontact connectors; rack and panel connectors; printed circuit connectors; ribbon or flat cable connectors] |
| 8536.69.0060 | | Other |
| | | Other apparatus: |
| | | [Electrical distribution ducts; junction boxes; terminals, electrical splices and electrical couplings] |
| 8536.90.0090 | | Other |
| | | Boards, panels (including numerical control panels), consoles, desks, cabinets and other bases, equipped with two or more apparatus of heading 8535 or 8536 of the HTS, for electric control or the distribution of electricity, including those incorporating instruments or apparatus of chapter 90 of the HTS, other than switching apparatus of heading 8517 of the HTS: |
| | | For a voltage not exceeding 1,000 V: |
| | | [Switchgear assemblies and switchboards; numerical controls for controlling machine tools; motor control centers] |
| | | Other: |
| | | [Panel boards and distribution boards; programmable controllers] |
| 8537.10.0070 | | Other |
| | | Electrical filament or discharge lamps, including sealed beam lamp units and ultraviolet or infrared lamps; arc lamps; parts thereof: |
| | | [Sealed beam lamp units] |
| | | Other filament lamps, excluding ultraviolet or infrared lamps: |
| | | [Tungsten halogen] |
| | | Other, of a power not exceeding 200 W and for a voltage exceeding 100 V: |
| | | [Christmas-tree lamps] |
| | | Other: |
| | | Of a power not exceeding 150 W: |
| | | [3-way; decorative] |
| | | Other, including standard household: |
| | | Of a power 15 W or more but not exceeding 150 W |
| 8539.22.8040 | | |

Annex
34 of 44

| HTS Provision | : | Article |
|------------------|---|---------|
|------------------|---|---------|

Electrical machines and apparatus, having individual functions, not specified or included elsewhere in chapter 85 of the HTS; parts thereof:

[Particle accelerators; signal generators; machines and apparatus for electroplating, electrolysis or electrophoresis]

Other machines and apparatus:

[Electric synchros and transducers; flight data recorders; defrosters and demisters with electric resistors for aircraft; articles designed for connection to telegraphic or telephonic apparatus or instruments or to telegraphic or telephonic networks; electric luminescent lamps]

Other:

[Resistor/capacitor networks; electric fence controllers; amplifiers; special effects pedals for use with musical instruments]

8543.80.9080

Other

Insulated (including enameled or anodized) wire, cable (including coaxial cable) and other insulated electric conductors, whether or not fitted with connectors; optical fiber cables, made up of individually sheathed fibers, whether or not assembled with electric conductors or fitted with connectors:

[Winding wire]

8544.20.00

Coaxial cable and other coaxial electric conductors

8544.30.00

Ignition wiring sets and other wiring sets of a kind used in vehicles, aircraft or ships

Other electric conductors, for a voltage not exceeding 80 V:

8544.41.00

Fitted with connectors

Other electric conductors, for a voltage exceeding 80 V but not exceeding 1,000 V:

Fitted with connectors:

8544.51.40

Fitted with modular telephone connectors

8544.51.80

Other

Parts and accessories of the motor vehicles of headings 8701 to 8705 of the HTS:

[Bumpers and parts thereof; other parts and accessories of bodies (including cabs); brakes and servo-brakes and parts thereof; gear boxes; drive axles with differential, whether or not provided with other transmission components; non-driving axles and parts thereof; road wheels and parts and accessories thereof; suspension shock absorbers]

Annex
35 of 44

| HTS Provision | : | Article |
|---|---|--|
| Parts and accessories of the motor vehicles of headings 8701 to 8705 of the HTS (con.): | | |
| | : | Other parts and accessories: |
| | : | [Radiators; mufflers and exhaust pipes; clutches and parts thereof; steering wheels, steering columns and steering boxes] |
| | : | Other: |
| | : | [Parts of tractors suitable for agricultural use; parts of other tractors (except road tractors)] |
| | : | Other: |
| | : | [Of cast-iron] |
| 8708.99.5005 | : | Other: Brake hoses of plastics, with attached fittings |
| | : | [Steering shaft assemblies incorporating universal joints; double flanged wheel hub units; beam hanger brackets] |
| 8708.99.5045 | : | Slide-in campers [Radiator cores; cable traction devices] |
| 8708.99.5085 | : | Other |
| Bicycles and other cycles (including delivery tricycles), not motorized: | | |
| 8712.00.15 | : | Bicycles having both wheels not exceeding 63.5 cm in diameter |
| | : | Bicycles having both wheels exceeding 63.5 cm in diameter: |
| 8712.00.25 | : | If weighing less than 16.3 kg complete without accessories and not designed for use with tires having a cross-sectional diameter exceeding 4.13 cm |
| 8712.00.35 | : | Other |
| Parts and accessories of vehicles of headings 8711 to 8713 of the HTS: | | |
| | : | [Of motorcycles (including mopeds); of invalid carriages] |
| | : | Other: |
| 8714.95.00 | : | Saddles |
| Baby carriages (including strollers) and parts thereof: | | |
| 8715.00.0020 | : | Baby carriages (including strollers) |

Annex
36 of 44

| HTS Provision | : | Article |
|------------------|---|--|
| | : | Trailers and semi-trailers; other vehicles, not mechanically propelled; and parts thereof: [Trailers and semi-trailers for housing or camping; self-loading or self-unloading trailers and semi-trailers for agricultural purposes; other trailers and semi-trailers for the transport of goods; other trailers and semi-trailers] |
| | : | Other vehicles: [Farm wagons and carts] Other: [Industrial hand trucks] Other: 8716.80.5020 Portable hand carts 8716.80.5090 Other |
| | : | Spectacles, goggles and the like, corrective, protective or other: [Sunglasses] 9004.90.00 Other |
| | : | Drawing, marking-out or mathematical calculating instruments (for example, drafting machines, pantographs, protractors, drawing sets, slide rules, disc calculators); instruments for measuring length, for use in the hand (for example, measuring rods and tapes, micrometers, calipers), not specified or included elsewhere in chapter 90 of the HTS; parts and accessories thereof: [Drafting tables and machines, whether or not automatic; other drawing, marking-out or mathematical calculating instruments; micrometers, calipers and gauges] 9017.80.00 Other instruments |
| | : | Instruments and appliances used in medical, surgical, dental or veterinary sciences, including scintigraphic apparatus, other electro-medical apparatus and sight-testing instruments; parts and accessories thereof: Other instruments and appliances and parts and accessories thereof: Other: Sphygmomanometers, tensimeters and oscillometers; all the foregoing and parts and accessories thereof: 9018.90.5040 Sphygmomanometers and parts and accessories thereof |
| | : | Mechano-therapy appliances; massage apparatus; psychological aptitude-testing apparatus; ozone therapy, oxygen therapy, aerosol therapy, artificial respiration or other therapeutic respiration apparatus; parts and accessories thereof: Mechano-therapy appliances; massage apparatus; psychological aptitude-testing apparatus; parts and accessories thereof: |

Annex
37 of 44

| HTS Provision | : | Article |
|------------------|---|--|
| 9019.10.20 | : | <p>Mechano-therapy appliances; massage apparatus etc. (con.): Mechano-therapy appliances; massage apparatus etc. (con.): Mechano-therapy appliances and massage apparatus; parts and accessories thereof</p> <p>Hydrometers and similar floating instruments, thermometers, pyrometers, barometers, hygrometers and psychrometers, recording or not, and any combination of these instruments; parts and accessories thereof: Thermometers, not combined with other instruments: Liquid-filled, for direct reading: Clinical Other: [Clinical] Other</p> |
| 9025.11.20 | : | |
| 9025.19.0080 | : | |
| | : | <p>Wrist watches, pocket watches and other watches, including stop watches, other than those of heading 9101 of the HTS: Wrist watches, battery powered, whether or not incorporating a stop watch facility: With mechanical display only: Having no jewels or only one jewel in the movement: [With strap, band or bracelet of textile material or of base metal, whether or not gold- or silver-plated]</p> <p>Other: [With gold- or silver-plated case] Other With opto-electronic display only: [Straps, bands or bracelets entered with watches of subheading 9102.12.80 of the HTS and classifiable therewith pursuant to additional U.S. note 2 to chapter 91 of the HTS; all the foregoing whether or not attached to such watches at the time of entry]</p> |
| 9102.11.45 | : | |
| 9102.12.80 | : | <p>Other Other wrist watches, whether or not incorporating a stop watch facility: [With automatic winding] Other: Having no jewels or only one jewel in the movement: [With strap, band or bracelet of textile material or of base metal, whether or not gold- or silver-plated]</p> |
| 9102.29.10 | : | Other |
| 9102.91.20 | : | <p>Other: Battery powered: With opto-electronic display only</p> |

Annex
38 of 44

| HTS Provision | : | Article |
|------------------|---|--|
| | : | |
| | | Other clocks: |
| | | [Alarm clocks] |
| | | Wall clocks: |
| | | [Battery or AC powered] |
| | | Other: |
| | | [With movement measuring not over 50 mm in width or diameter] |
| | | Other: |
| 9105.29.50 | | Valued over \$5 each |
| | | Other: |
| | | Battery or AC powered: |
| 9105.91.40 | | With opto-electronic display only |
| | | Music boxes, fairground organs, mechanical street organs, mechanical singing birds, musical saws and other musical instruments not falling within any other heading of chapter 92 of the HTS; decoy calls of all kinds; whistles, call horns and other mouth-blown sound signalling instruments: |
| 9208.10.00 | | Music boxes |
| | | Other firearms and similar devices which operate by the firing of an explosive charge (for example, sporting shotguns and rifles, muzzle-loading firearms, Very pistols and other devices designed to project only signal flares, pistols and revolvers for firing blank ammunition, captive-bolt humane killers, line-throwing guns): |
| | | [Muzzle-loading firearms; other sporting, hunting or target-shooting shotguns, including combination shotgun-rifles] |
| | | Other sporting, hunting or target-shooting rifles: |
| | | [Valued over \$25 but not over \$50 each] |
| | | Other: |
| | | [Telescopic sights imported with rifles] |
| | | Rifles: |
| | | Centerfire: |
| 9303.30.8010 | | Autoloading |
| | | Bombs, grenades, torpedoes, mines, missiles and similar munitions of war and parts thereof; cartridges and other ammunition and projectiles and parts thereof, including shot and cartridge wads: |
| | | [Cartridges for riveting or similar tools or for captive-bolt humane killers and parts thereof; shotgun cartridges and parts thereof; air gun pellets] |
| | | Other cartridges and parts thereof: |
| | | Cartridges and empty cartridge shells: |
| | | Cartridges containing a projectile: |
| | | For rifles or pistols: |
| | | [.22 caliber] |
| 9306.30.4020 | | Other |

Annex
39 of 44

| HTS Provision | : | Article |
|------------------|---|---|
| | : | Seats (other than those of heading 9402 of the HTS), whether or not convertible into beds, and parts thereof: [Seats of a kind used for aircraft; seats of a kind used for motor vehicles; swivel seats with variable height adjustment; seats other than garden seats or camping equipment, convertible into beds] |
| 9401.50.0040 | | Seats of cane, osier, bamboo or similar materials: Of rattan Other seats, with metal frames: [Upholstered] Other: Outdoor: [With textile covered cushions or textile seating or backing material] Other: [Household] Other |
| 9401.79.0035 | | Other: [Household] Other |
| 9401.79.0050 | | Other |
| | | Lamps and lighting fittings including searchlights and spotlights and parts thereof, not elsewhere specified or included; illuminated signs, illuminated nameplates and the like, having a permanently fixed light source, and parts thereof not elsewhere specified or included: Chandeliers and other electric ceiling or wall lighting fittings, excluding those of a kind used for lighting public open spaces or thoroughfares: Of base metal: Of brass: Household Other: Household Electric table, desk, bedside or floor-standing lamps: Of base metal: [Of brass] Other: Household Other: Household [Lighting sets of a kind used for Christmas trees] Other electric lamps and lighting fittings: Of base metal: Of brass Other Other |
| 9405.10.4010 | | |
| 9405.10.8010 | | |
| 9405.20.6010 | | |
| 9405.20.8010 | | |
| 9405.40.40 | | |
| 9405.40.60 | | |
| 9405.40.80 | | |

Annex
40 of 44

| HTS Provision | : | Article |
|------------------|---|---|
| | : | |
| | | Lamps and lighting fittings including searchlights etc. (con.): Non-electrical lamps and lighting fittings: [Incandescent lamps designed to be operated by propane or other gas, or by compressed air and kerosene or gasoline] |
| | | Other: [Of brass] |
| 9405.50.40 | | Other |
| | | Dolls representing only human beings and parts and accessories thereof: Parts and accessories: [Garments and accessories thereof, footwear and headgear] |
| | | Other: [Skins for stuffed dolls; artificial eyes, except prosthetic articles] |
| 9502.99.30 | | Other |
| | | Other toys; reduced-size ("scale") models and similar recreational models, working or not; puzzles of all kinds; parts and accessories thereof: Electric trains, including tracks, signals and other accessories thereof; parts thereof: [Assembly kits with construction units prefabricated to an essentially uniform scale of the actual article] |
| | | Other, except parts: Made to a scale of the actual article at the ratio of 1 to 85 or smaller |
| 9503.10.0020 | | Other: [Made to a scale of the actual article at a ratio larger than 1 to 85] |
| 9503.10.0040 | | Other |
| | | Toys representing animals or non-human creatures (for example, robots and monsters) and parts and accessories thereof: Stuffed toys and parts and accessories thereof: Parts and accessories: [Artificial eyes, except prosthetic articles] |
| 9503.41.30 | | Other |
| | | Puzzles and parts and accessories thereof: [Crossword puzzle books] |
| 9503.60.20 | | Other |

Annex
41 of 44

| HTS Provision | : | Article |
|------------------|---|--|
| | : | |
| | | Other toys; reduced-size ("scale") models etc. (con.): |
| | | Other toys and models, incorporating a motor, and parts and accessories thereof: |
| | | Models: |
| | | [Made to a scale of the actual article at the ratio of 1 to 85 or smaller] |
| 9503.80.6020 | | Other |
| | | Other: |
| | | Other: |
| 9503.90.50 | | Inflatable toy balls, balloons and punchballs |
| | | Articles for arcade, table or parlor games, including pinball machines, bagatelle, billiards and special tables for casino games; automatic bowling alley equipment; parts and accessories thereof: |
| | | [Video games of a kind used with a television receiver and parts and accessories thereof; articles, parts and accessories for billiards, including pocket billiards] |
| | | Other games, coin- or token-operated, other than bowling alley equipment; parts and accessories thereof: |
| 9504.30.0010 | | Video |
| | | [Playing cards] |
| | | Other: |
| | | [Game machines, other than coin- or token-operated; parts and accessories thereof] |
| | | Other: |
| 9504.40.60 | | Chess, checkers, parchisi, backgammon, darts and other games played on boards of a special design, all the foregoing games and parts thereof (including their boards); mah-jong and dominoes; any of the foregoing games in combination with each other, or with other games, packaged together as a unit in immediate containers of a type used in retail sales; poker chips and dice |
| | | Other: |
| | | [Bowling balls; bowling equipment and parts and accessories thereof] |
| 9504.90.9080 | | Other |
| | | Festive, carnival or other entertainment articles, including magic tricks and practical joke articles; parts and accessories thereof: |
| | | Articles for Christmas festivities and parts and accessories thereof: |
| | | Christmas ornaments: |
| | | Other: |
| 9505.10.15 | | Of wood |

Annex
42 of 44

| HTS Provision | : | Article |
|------------------|---|---|
| | | Festive, carnival or other entertainment articles etc. (con.): |
| | | Other: |
| | | [Magic tricks and practical joke articles; parts and accessories thereof] |
| 9505.90.40 | | Confetti, paper spirals or streamers, party favors and noisemakers; parts and accessories thereof |
| 9505.90.60 | | Other |
| | | Articles and equipment for gymnastics, athletics, other sports (including table-tennis) or outdoor games, not specified or included elsewhere in chapter 95 of the HTS; swimming pools and wading pools; parts and accessories thereof: |
| | | [Snow-skis and other snow-ski equipment; parts and accessories thereof] |
| | | Water skis, surf boards, sailboards and other water-sport equipment; parts and accessories thereof: |
| | | [Sailboards and parts and accessories thereof] |
| | | Other: |
| | | [Water skis] |
| 9506.29.0040 | | Other |
| | | Golf clubs and other golf equipment; parts and accessories thereof: |
| | | [Golf clubs, complete; balls] |
| | | Other: |
| 9506.39.0060 | | Parts of golf clubs |
| | | [Articles and equipment for table-tennis, and parts and accessories thereof] |
| | | Tennis, badminton or similar rackets, whether or not strung; parts and accessories thereof: |
| | | Lawn-tennis rackets, whether or not strung, and parts and accessories thereof: |
| 9506.51.20 | | Rackets, strung |
| 9506.51.40 | | Rackets, not strung |
| | | Balls, other than golf balls and table-tennis balls: |
| | | Other: |
| 9506.69.20 | | Baseballs and softballs |
| | | Ice skates and roller skates, including skating boots with skates attached; parts and accessories thereof: |
| 9506.70.20 | | Roller skates and parts and accessories thereof |
| | | Other: |
| | | Gymnasium or other exercise articles and equipment; parts and accessories thereof: |
| | | [Exercise cycles; exercise rowing machines] |
| 9506.91.0030 | | Other |

Annex
43 of 44

| HTS Provision | : | Article |
|------------------|---|---------|
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Articles and equipment for gymnastics, athletics etc. (con.):

Other (con.):

Other:

[Archery articles and equipment and parts and accessories thereof; badminton articles and equipment, except rackets, and parts and accessories thereof; baseball articles and equipment, except balls, and parts and accessories thereof; football, soccer and polo articles and equipment, except balls, and parts and accessories thereof; ice-hockey and field-hockey articles and equipment, except balls and skates, and parts and accessories thereof; lacrosse sticks; lawn-tennis articles and equipment, except balls and rackets, and parts and accessories thereof; skeet targets; sleds, bobsleds, toboggans and the like and parts and accessories thereof; snowshoes and parts and accessories thereof]

9506.99.55 Swimming pools and wading pools and parts and accessories thereof

Other:

[Nets not elsewhere specified or included]

9506.99.6080 Other

Fishing rods, fish hooks and other line fishing tackle; fish landing nets, butterfly nets and similar nets; decoy "birds" (other than those of heading 9208 or 9705 of the HTS) and similar hunting or shooting equipment; parts and accessories thereof:

Fishing rods and parts and accessories thereof:

9507.10.0040 Fishing rods

Fishing reels and parts and accessories thereof:

Fishing reels:

9507.30.40 Valued over \$2.70 but not over \$8.45 each

Brooms, brushes (including brushes constituting parts of machines, appliances or vehicles), hand-operated mechanical floor sweepers, not motorized, mops and feather dusters; prepared knots and tufts for broom or brush making; paint pads and rollers; squeegees (other than roller squeegees):

Tooth brushes, shaving brushes, hair brushes, nail brushes, eyelash brushes and other toilet brushes for use on the person, including such brushes constituting parts of appliances:

[Toothbrushes]

Other:

9603.29.40 Valued not over 40¢ each

9603.29.80 Valued over 40¢ each

Annex
44 of 44

| HTS Provision | : | Article |
|------------------|---|---|
| 9605.00.00 | : | Travel sets for personal toilet, sewing or shoe or clothes cleaning (other than manicure and pedicure sets of heading 8214 of the HTS) |
| | : | Ball point pens; felt tipped and other porous-tipped pens and markers; fountain pens, stylograph pens and other pens; duplicating styli; propelling or sliding pencils (for example, mechanical pencils); pen-holders, pencil-holders and similar holders; parts (including caps and clips) of the foregoing articles, other than those of heading 9609 of the HTS: |
| 9608.10.00 | : | Ball point pens |
| | : | Pencils (other than those pencils of heading 9608 of the HTS), crayons, pencil leads, pastels, drawing charcoals, writing or drawing chalks and tailors' chalks: |
| 9609.10.00 | : | Pencils and crayons, with leads encased in a rigid sheath [Pencil leads, black or colored] |
| | : | Other: |
| | : | [Tailors' chalks] |
| 9609.90.80 | : | Other |
| | : | Cigarette lighters and other lighters, whether or not mechanical or electrical, and parts thereof other than flints and wicks: |
| 9613.10.00 | : | Pocket lighters, gas fueled, non-refillable |
| | : | Combs, hair-slides and the like; hairpins, curling pins, curling grips, hair-curlers and the like, other than those of heading 8516 of the HTS, and parts thereof: |
| | : | Combs, hair-slides and the like: |
| | : | Of hard rubber or plastics: |
| | : | [Combs] |
| | : | Other: |
| 9615.11.40 | : | Not set with imitation pearls or imitation gemstones |
| | : | Other: |
| | : | [Combs] |
| | : | Other: |
| 9615.19.6010 | : | Of textile materials |

Sunshine Act Meetings

Federal Register

Vol. 57, No. 167

Thursday, August 27, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, September 2, 1992.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: August 25, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-20805 Filed 8-25-92; 3:08 pm]

BILLING CODE 6210-01-M

NATIONAL HERITAGE CORRIDOR COMMISSION

Notice of Meeting

Notice is hereby given in accordance with Section 552b of Title 5, United States Code, that a meeting of the Blackstone River Valley National Heritage Corridor Commission will be held on Thursday, September 24, 1992.

The Commission was established pursuant to Public Law 99-647. The purpose of the Commission is to assist federal, state and local authorities in the development and implementation of an integrated resource management plan for those lands and waters within the Corridor.

The meeting will convene at 7 p.m. at the Grafton Memorial Municipal Center, 30 Providence Road, Grafton, MA for the following reasons:

1. Election of Officers.
2. Approval of FY 93 Budget.

It is anticipated that about twenty people will be able to attend the session in addition to the Commission members.

Interested persons may make oral or written presentations to the Commission or file written statements. Such requests should be made prior to the meeting to: James Pepper, Executive Director, Blackstone River Valley National Heritage Corridor Commission, P.O. Box 730, Uxbridge, MA 01569. Telephone: (508) 278-9400.

Further information concerning this meeting may be obtained from James Pepper, Executive Director of the Commission at the address noted on this letterhead.

Nancy Brittain,

Acting Executive Director, Blackstone River Valley National Heritage Corridor Commission.

[FR Doc. 92-20732 Filed 8-25-92; 3:07 pm]

BILLING CODE 4310-70-M

UNITED STATES POSTAL SERVICE BOARD OF GOVERNORS

Amendment to Meeting

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 57 FR 37866, August 20, 1992.

PREVIOUSLY ANNOUNCED DATE OF MEETING: August 31, 1992.

CHANGE: Delete the following items from the closed meeting agenda:

1. Consideration of a Filing with the Postal Rate Commission to Establish a Bulk Small Parcel Service.
3. Consideration of the Postal Rate Commission Opinion and Recommended Decision in Docket No. MC91-3, Second-Class Pallet Discount, 1991.

CONTACT PERSON FOR MORE INFORMATION:

David F. Harris, (202) 268-4800.

David F. Harris,

Secretary.

[FR Doc. 92-20809 Filed 8-25-92; 3:30 pm]

BILLING CODE 7710-12-M

Corrections

Federal Register

Vol. 57, No. 167

Thursday, August 27, 1992

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[BPD-757-NC]

RIN 0938-AF80

Medicare Program; Schedule of Limits on Home Health Agency Costs Per Visit for Cost Reporting Periods Beginning On or After July 1, 1992

Correction

In notice document 92-15496 beginning on page 29410 in the issue of Wednesday, July 1, 1992, make the following correction:

On page 29416, in the first column, under IX. **Wage Indexes**, the heading for the table should read "Table IIIa. - Wage Index for Urban Areas"; in the table: the heading "Urban Area (Constituent Counties or County Equivalents)" should appear at the top of the first column and "Wage Index" should appear at the top of the second column.

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[PS-7-92]

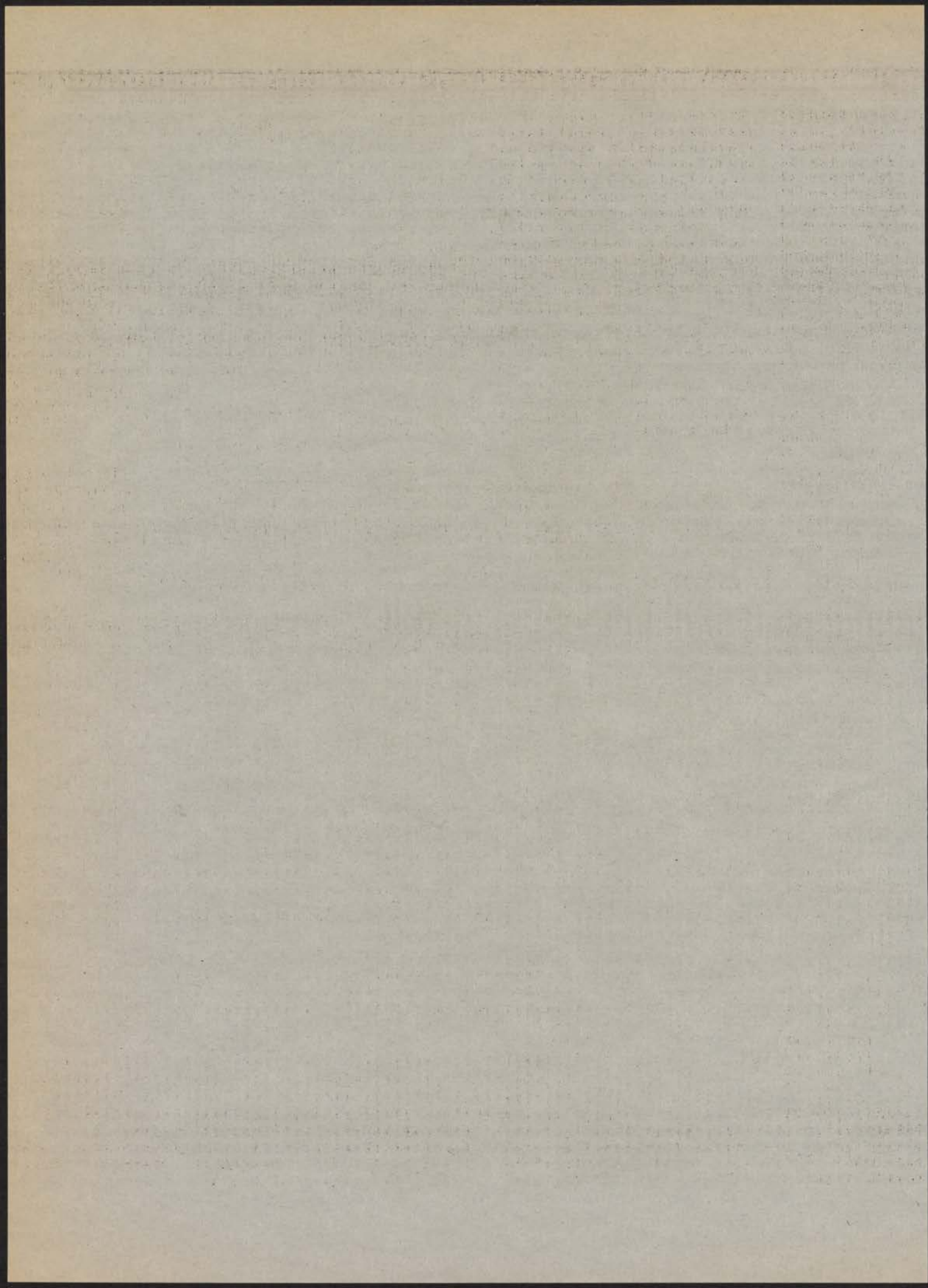
Continuity of Life—Limited Partnerships

Correction

In proposed rule document 92-17086 beginning on page 32472 in the issue of Wednesday, July 22, 1992, make the following corrections:

1. On page 32472, in the third column, under **EXPLANATION OF PROVISIONS**, in the fifth line, "Section" should read "Sections".
2. On page 32473, in the first column, in the second full paragraph, in the fifth line, "conform the" should read "conform to".

BILLING CODE 1505-01-D



Federal Register

**Thursday
August 27, 1992**

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Part 71

**Terminal Airspace Reconfiguration; Final
Rule**

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. 26852; Amendment No. 71-16]

RIN 2120-AE18

Terminal Airspace Reconfiguration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This final rule amends the Federal Aviation Regulations (FAR) by revising all control zones and transition areas and specific terminal control areas (TCAs) and airport radar service areas (ARSAs). The revisions will modify the lateral and vertical dimensions of the control zones and transition areas; revise the lateral dimension of the surface area of the Anchorage, Alaska ARSA; lower the ceiling of the Chicago, Midway Airport, Illinois ARSA so it does not overlap the Chicago, O'Hare International Airport TCA; replace the El Toro, California Special Air Traffic Rules Area with a Class D airspace area; and modify the names and the language in the airspace descriptions of specific TCAs and ARSAs. This amendment will ease the conversion from existing control zones and transition areas to the new airspace designations established under the Airspace Reclassification final rule, which is effective September 16, 1993, and is consistent with the primary intention of airspace reclassification to simplify airspace designations.

EFFECTIVE DATES: The amendment to § 71.1, which is currently in effect, becomes effective October 15, 1992. The amendment to § 71.1, which is effective September 16, 1993, becomes effective September 16, 1993.

FOR FURTHER INFORMATION CONTACT: Mr. William M. Mosley, Air Traffic Rules Branch, ATP-230, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, telephone 202-267-9251.

SUPPLEMENTARY INFORMATION:**Background**

On December 17, 1991, the final rule for Airspace Reclassification was published (56 FR 65638). The new airspace classes are effective September 16, 1993. The final rule amends Federal Aviation Regulations (FAR) part 71 (14 CFR part 71) to reclassify U.S. airspace in accordance with the airspace classes adopted by the International Civil Aviation Organization (ICAO).

Under the amended part 71 effective September 15, 1993, positive control areas (PCAs), jet routes, and area high routes are classified as Class A airspace areas; TCAs are classified as Class B airspace areas; ARSAs are classified as Class C airspace areas; control zones and airport traffic areas for airports with operating control towers that are not associated with the primary airport of a TCA or an ARSA are classified as Class D airspace areas; all other controlled airspace areas are classified as Class E airspace areas; and airspace that is not otherwise designated as a controlled airspace area is classified as Class G airspace.

The implementation of the Airspace Reclassification final rule includes reviews of certain existing airspace areas to ensure that they meet the new airspace classifications. The reviews of certain existing airspace areas focus on control zones, transition areas, and offshore airspace. The first of these reviews, which is addressed in this amendment, focuses on control zones and transition areas. Soon to be published, the Notice of Proposed Rulemaking (NPRM) entitled "Offshore Airspace Reconfiguration; Additional Control Areas; Continental Control Area; Area Low Routes; Control Areas Associated with Jet Routes Outside the Continental Control Area; Reporting Points; Flushing (New York) Airport Traffic Rule; and Valparaiso, Florida Terminal Area," will address offshore airspace and any supplementary airspace matters. The FAA expects that the proposals in this subsequent NPRM, if promulgated, would be effective no later than September 16, 1993, the effective date of the Airspace Reclassification final rule.

Because this amendment is issued after the publication of the Airspace Reclassification final rule, but before the effective date of September 16, 1993, both existing and future terminologies are used. The actual airspace area descriptions are the same whether the airspace area is called: (1) A control zone and an airport traffic area for an airport with an operating control tower that is not associated with the primary airport of a TCA or an ARSA (current terminology), or a Class D airspace area (future terminology); (2) a control zone for an airport without an operating control tower (current terminology) or a Class E airspace area (future terminology); or (3) a transition area (current terminology) or a Class E airspace area (future terminology). These reviews do not change any requirements for operations under visual flight rules (VFR) or instrument flight rules (IFR).

Discussion of the Amendments and Public Comments

This final rule is based on NPRM No. 92-5 (57 FR 18954; May 1, 1992). The rule amends part 71 by revising all control zones and transition areas as well as specific TCAs and ARSAs described in FAA Order 7400.7, Compilation of Regulations, effective November 1, 1991 ("Handbook"), which is incorporated by reference in 14 CFR 71.1. This final rule also modifies the corresponding Class B, Class C, Class D, and Class E airspace descriptions in FAA Order 7400.9, Airspace Reclassification, effective September 16, 1993, which is also incorporated by reference in 14 CFR 71.1. When the Airspace Reclassification final rule becomes effective on September 16, 1993, each airspace description in section 171 of FAA Handbook 7400.7 will be changed as follows: (1) Deleted, if a control zone is associated with a TCA or an ARSA; (2) redesignated as a Class D airspace area, if a control zone is at an airport with an operating control tower that is not associated with a TCA or an ARSA; or (3) redesignated as a Class E airspace area, if a control zone is at an airport without an operating control tower. On the same date, each airspace description in sections 181, 401, and 501 of FAA Handbook 7400.7 will be redesignated as Class E, Class B, and Class C airspace areas, respectively. These changes are based on a review of each control zone and transition area using the revised criteria in Change 4 to FAA Order 7400.2C, Procedures for Handling Airspace Matters.

These changes supersede the listings in subparts F, G, K, and L of Handbook 7400.7, and subparts B, C, D, and section 71.71(b), subpart E, of Handbook 7400.9. The descriptions of control zones, transition areas, terminal control areas, and airport radar service areas as amended by this rule will be published in a supplement to the Handbook (Handbook 7400.7—Supplement).

The control zones and transition areas addressed in this final rule are classified into four basic categories:

- (1) Control zones for the primary airports of TCAs or ARSAs;
- (2) Control zones for airports with operating control towers not associated with the primary airports of TCAs or ARSAs;
- (3) Control zones for airports without operating control towers; and
- (4) Transition areas.

Comments to Docket Number 26852

Four comments on the NPRM were submitted to Docket Number 26852.

These comments were by the Air Line Pilots Association (ALPA), the Experimental Aircraft Association (EAA), and two individuals. No comments were submitted to the FAA regions.

EAA and ALPA concur with the proposal. The two individuals oppose certain provisions of the NPRM. The issues addressed by the commenters include the education of the pilot community and the integration of airport traffic areas and control zones into Class D airspace areas.

Pilot Education

EAA expresses concern about educating pilots on Airspace Reclassification. EAA indicates that it will participate in pilot education. As part of EAA's participation in the Aviation Rulemaking Advisory Committee, EAA will distribute information through publications, documents, and safety forums to aid the transition to the new airspace classifications.

The FAA commends EAA's commitment to pilot education. As the FAA stated in the Airspace Reclassification final rule, educational material such as pocket guides, a video, and posters will be issued to instruct the aviation public on airspace reclassification.

Comments on Class D Airspace Requirements

On September 16, 1993, control zones and airport traffic areas for airports with operating control towers not associated with the primary airports of TCAs or ARSAs will become Class D airspace areas.

The two individual commenters express concern about integrating the airport traffic areas and control zones into Class D airspace areas. According to the commenters, integrating these areas will affect operational safety and usage. The commenters also state that a requirement to establish two-way radio communication between pilots and air traffic control beyond the current lateral boundaries of an airport traffic area is an operational burden to VFR flights, creates a hazard to aviation safety, reaches beyond the intent of airspace reclassification, and imposes a greater risk to flights conducted under IFR.

The commenters note that airport traffic areas and control zones exist for two different reasons. According to the commenters, airport traffic areas require pilots to establish two-way radio communication with air traffic control in airport traffic areas to "manage and conduct orderly and safe flight operations within the vicinity of the

airport and airport traffic pattern." The commenters believe that pilots and air traffic controllers will experience increased workloads and unwarranted radio congestion if pilots who are operating under VFR, neither within the airport traffic pattern nor departing or arriving at the airport, must communicate with air traffic control.

The commenters state that the requirement for two-way radio communication in Class D airspace areas could be a detriment to safety. For example, each commenter notes instances when he was not able to communicate important and timely information to an air traffic controller in a tower facility. In these instances, pilots operating under VFR outside of the airport traffic area in activities not related to or affecting the airport traffic pattern, airport departures, or airport arrivals was attempting to establish two-way radio communication with air traffic control to fly through airspace beyond the perimeter of the airport traffic area.

The commenters also state that pilot workload would be increased by an integrated airport traffic area and control zone that has non-standard dimensions. They state that pilots would be required to expend additional effort in the cockpit to determine whether two-way radio communication is required for a flight. The commenters use the example of a pilot who spends time analyzing charts for the size and shape of approach extensions and has less time available to scan for traffic.

Both commenters oppose a requirement for a pilot to establish two-way radio communication with air traffic control in arrival extensions. They agree with the FAA's proposal to designate the extension areas as Class E airspace areas, which do not require the establishment of two-way radio communication with air traffic control. However, the commenters suggest that extension areas of 2 miles or less also be designated as Class E airspace areas. The commenters state that the designation of all extension areas as Class E airspace areas would help standardize and simplify airspace and would not clutter aeronautical charts.

The FAA believes that the concerns of the commenters regarding the integration of airport traffic areas and control zones into Class D airspace areas are addressed in the amendments and will be emphasized in pilot and air traffic controller education.

The commenters are correct in their belief that airport traffic areas and control zones exist for different yet complementary reasons. Both are designed to ensure that simultaneous

operations under VFR and IFR near an airport are conducted safely.

The airport traffic area requirements ensure that a pilot and air traffic control establish two-way radio communication in the vicinity of an airport with an operating control tower. With the exception of those areas described in part 93, "Special Air Traffic Rules and Airport Traffic Patterns," an airport traffic area is defined in part 1 of the FAR as "that airspace within a horizontal radius of 5 statute miles from the geographical center of any airport at which a control tower is operating, extending from the surface up to, but not including, an altitude of 3,000 feet above the elevation of the airport." Airport traffic areas are not depicted on aeronautical charts and will cease to exist after September 16, 1993.

A control zone ensures that aircraft arriving at an airport under IFR remain within controlled airspace when an instrument approach procedure could place that aircraft within 1,000 feet above the surface. A control zone also ensures that aircraft departing an airport under IFR remain within controlled airspace between the surface and the base of the adjacent controlled airspace. According to FAR § 71.11, effective until October 14, 1992, a control zone is "normally a circular area with a radius of 5 (statute) miles and any extensions necessary to include instrument approach and departure paths." Control zones are depicted on aeronautical charts by a blue segmented line.

Because 5 statute miles was used as the basis for airport traffic areas and control zones, many of these areas included airspace that is not necessary for air traffic control. For example, under the Terminal Airspace Reconfiguration NPRM, the FAA reviewed each control zone to ensure that the control zones were designed to contain intended terminal operations under IFR. Of the control zones that will become Class D airspace areas, 62 percent are either reduced in lateral dimensions or retain equivalent lateral dimensions. The remaining 38 percent are expanded in lateral dimensions. Of the control zones that will become Class D airspace, only 7 percent increase in lateral dimensions by more than 1 mile; the remaining 31 percent increase by 1 mile or less. The FAA believes that prescribing a standard dimension for Class D airspace areas, which may include airspace not necessary for air traffic control, is a burden to the pilot population. All Class D airspace areas will be depicted on aeronautical charts by a blue segmented line.

In the Airspace Reclassification final rule, the FAA stated it has determined that to meet safety standards, two-way radio communication with air traffic control must be established in Class D airspace areas. Class D airspace will have a ceiling, which, in most cases, will be 2,500 feet above the surface. This is lower than the current ceiling for airport traffic areas or control zones. Pilots operating under VFR who do not desire to establish two-way radio communications with air traffic control may fly above the Class D airspace areas at altitudes lower than those currently permitted to fly above an airport traffic area.

In the Terminal Airspace Reconfiguration NPRM, the FAA proposed that all extensions will be designated as Class E airspace if the control zone has at least one arrival extension that extends more than 2 miles from the airspace necessary for aircraft operating under IFR to depart within controlled airspace. This Class E airspace will extend upward from the surface to the overlying or adjacent controlled airspace. By designating these extension areas as Class E airspace, pilots who operate in the extension areas will not be required to contact the air traffic control facility having jurisdiction in those areas. The FAA also wishes to designate each arrival extension to this control zone as Class E airspace, so that a control zone will not have one arrival extension designated as Class E airspace and another arrival extension designated as Class D airspace. As in any Class E airspace area, the extensions terminate at the adjacent or overlying airspace and will be indicated on visual charts by a magenta segmented line.

The FAA has determined that, in the case of control zones where all extensions are 2 miles or less, the best course is to designate the entire control zone as Class D airspace. Sixty-four control zones adopted in this final rule have all extensions 2 miles or less. If these control zones are revised to designate the airspace necessary for aircraft operating under IFR to depart the airport within controlled airspace as Class D airspace and the airspace in the arrival extension is designated as Class E airspace, the FAA believes that depicting such small areas on aeronautical charts would be confusing and increase chart clutter.

Control Zones for the Primary Airport of a TCA or an ARSA

Reconfiguration of Airspace Areas for the Primary Airport of a TCA

In NPRM Number 92-5, the FAA proposed to revise the control zones for the primary airport of a TCA to become congruent with the associated TCA. In addition, the FAA proposed to modify the control zone for the Seattle-Tacoma International Airport, Washington, a description of which is contained in section 171 of FAA Handbook 7400.7, to be within a 4-mile radius of the Seattle VORTAC. No comments were received on these proposals.

With the exception of an amendment to the Houston, Texas TCA and corrections to geographic positions and editorial revisions, the FAA will adopt the revisions to the following control zones as proposed. Descriptions of control zones are contained in section 171 of FAA Handbook 7400.7. The control zones listed in this document will subsequently be published, as amended, in the Handbook 7400.7—Supplement. On September 16, 1993, the effective date of the Airspace Reclassification final rule, these control zones will no longer exist.

FAA Region: Central

Kansas City, Kansas City International Airport, MO
Saint Louis, Saint Louis International Airport, MO

FAA Region: Eastern

Baltimore, Baltimore Washington International Airport, MD
Newark, NJ
New York, John F. Kennedy International Airport and LaGuardia Airport, NY
Philadelphia, PA
Pittsburgh, Pittsburgh International Airport, PA
Chantilly, Washington Dulles International Airport, VA

FAA Region: Great Lakes

Detroit, Detroit Metropolitan Wayne County Airport, MI

FAA Region: New England

Boston, MA

FAA Region: Northwest Mountain

Denver, Stapleton International Airport, CO
Seattle, Seattle-Tacoma International Airport, WA

FAA Region: Southern

Miami, Miami International Airport, FL
Orlando, Orlando International Airport, FL
Tampa, Tampa International Airport, FL

Atlanta, Hartsfield International Airport, GA
Charlotte, NC
Memphis, Memphis International Airport, TN

FAA Region: Southwest

New Orleans, New Orleans International Airport, LA
Dallas, Dallas-Fort Worth International Airport and Dallas Love Field, TX

FAA Region: Western-Pacific

Phoenix, Sky Harbor International Airport, AZ
Los Angeles, Los Angeles International Airport, CA
San Diego, San Diego International/Lindbergh Field, CA
Honolulu, Honolulu International Airport, HI

The Houston, Texas TCA has been amended by Airspace Docket Number 90-AWA-12 since the FAA's review of control zones. Therefore, the FAA adopts for this rule the control zone associated with the Houston, Texas TCA to be congruent with lateral and vertical boundaries of the revised Houston, Texas TCA. The FAA also adopts as proposed the control zones listed below, with minor modifications and additional editorial revisions. Because this action does not change the boundaries and configuration of controlled airspace, with respect to the Houston control zone and the following areas the rule is insignificant in nature and impact and inconsequential to the industry and public. Therefore, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

Revisions to proposed airspace areas by including technical corrections and airspace changes:

FAA Region: Eastern

Washington, National Airport and Andrews Air Force Base, D.C.: The airspace description is revised by replacing the reference to the "Washington VOR" with "Washington VOR/DME."

FAA Region: Great Lakes

Chicago, O'Hare International Airport, IL: The airspace description is revised by replacing references to the "Chicago O'Hare International Airport" with "Chicago-O'Hare International Airport."

Minneapolis, Minneapolis-Saint Paul International Airport, MN: The airspace description is revised by changing the name of "Minneapolis-St. Paul International Airport" to "Minneapolis-St. Paul International (Wold-Chamberlain) Airport."

FAA Region: Northwest

Salt Lake City, UT: The airspace description is revised by replacing "Salt Lake City, UT, International Airport TCA" with "Salt Lake City, UT TCA."

FAA Region: Western-Pacific

San Francisco, San Francisco International Airport, CA: The airspace description is revised by eliminating the proposed airspace area beyond the surface area of the San Francisco, CA TCA.

Las Vegas, McCarran International Airport and Nellis Air Force Base, NV: The airspace description is revised by changing the name of "Henderson Sky Harbor Airport" to "Las Vegas-Henderson Sky Harbor."

Revisions to proposed airspace areas by updating a geographic position:

| FAA region | Proposed geographic position | Revised geographic position |
|---|---------------------------------------|---------------------------------------|
| Great Lakes | | |
| Name and airport or facility: | | |
| Cleveland, Cleveland-Hopkins International Airport, OH: | | |
| Cleveland-Hopkins DME Antenna. | Lat. 41°24'15" N., long. 81°51'44" W. | Lat. 41°24'01" N., long. 81°52'03" W. |

Reconfiguration of Airspace Areas for the Primary Airport of an ARSA

In NPRM Number 92-5, the FAA proposed to revise the control zones for the primary airport of an ARSA to become congruent with the associated ARSA. No comments were received on this proposal.

With the exception of the modifications listed below, the FAA will adopt the revisions to the following control zones as proposed. These control zones are contained in section 171 of FAA Handbook 7400.7 and will subsequently be republished, as amended, in the Handbook 7400.7.—Supplement. On September 16, 1993, the effective date of the Airspace Reclassification final rule, these control zones will no longer exist.

FAA Region: Central

Des Moines, IA
Wichita, Mid-Continent Airport, KS
Lincoln, NE
Omaha, Eppley Airfield, NE

FAA Region: Eastern

Atlantic City, Atlantic City International Airport, NJ

Albany, NY
Buffalo, NY
Islip, NY
Rochester, NY
Syracuse, NY
Allentown, PA
Norfolk, Norfolk International Airport, VA
Richmond, VA
Roanoke, VA
Charleston, WV

FAA Region: Great Lakes

Champaign-Urbana, IL
Moline, IL
Peoria, IL
Springfield, IL
Indianapolis, Indianapolis International Airport, IN
South Bend, IN
Flint, MI
Grand Rapids, MI
Lansing, MI
Akron, Akron-Canton Regional Airport, OH

Columbus, Port Columbus International Airport, OH
Green Bay, WI
Madison, WI
Milwaukee, General Mitchell International Airport, WI

FAA Region: New England

Portland, Portland International Jetport, ME
Manchester, NH
Providence, RI
Burlington, VT

FAA Region: Northwest Mountain

Colorado Springs, Colorado Springs Municipal Airport, CO
Oak Harbor, Whidbey Island Naval Station, WA
Spokane, International Airport, WA

FAA Region: Southern

Birmingham, AL
Huntsville, AL
Mobile, Bates Field, AL
Daytona Beach, FL
Fort Myers, Southwest Florida Regional Airport, FL
Jacksonville, Jacksonville International Airport, FL
Milton Naval Air Station Whiting Field, FL
Pensacola Naval Air Station, FL
Pensacola, Pensacola Regional Airport, FL
Sarasota, FL
Tallahassee, FL
Columbus, Metropolitan Airport, GA
Savannah, Savannah International Airport, GA
Covington, Cincinnati-Northern Kentucky International Airport, KY
Lexington, KY
Louisville, Staniford Field, KY

Columbus Air Force Base, MS
Jackson, Jackson International Airport, MS
Fayetteville, NC
Fort Bragg, Pope Air Force Base, NC
Raleigh, NC
San Juan, San Juan International Airport, PR
Charleston, SC
Columbia, SC
Greer, SC
Chattanooga, TN
Knoxville, TN
Nashville, TN

FAA Region: Southwest

Baton Rouge, LA
Shreveport, Shreveport Regional Airport, LA
Albuquerque, NM
Tulsa, Tulsa International Airport, OK
Abilene, Dyess Air Force Base, TX
Amarillo, TX
Austin, Robert Mueller Municipal Airport, TX
Corpus Christi, Corpus Christi International Airport, TX
Del Rio, Laughlin Air Force Base, TX
Lubbock, Lubbock International Airport, TX
San Antonio, San Antonio International Airport, TX

FAA Region: Western-Pacific

Tucson, Tucson International Airport, AZ
El Toro, CA
Marysville, Beale Air Force Base, CA
Monterey, CA
Oakland, CA
Ontario, CA
Riverside, March Air Force Base, CA
Sacramento, Mather Air Force Base, CA
Sacramento, McClellan Air Force Base, CA
Sacramento, Metropolitan Airport, CA
San Jose, San Jose International Airport, CA
Santa Ana, John Wayne Airport/Orange County, CA
Santa Barbara, CA
Kahului, HI
Reno, Cannon International Airport, NV

The Houston, William P. Hobby Airport, Texas ARSA has been revoked by Airspace Docket Number 90-AWA-12 since FAA's review of control zones. Therefore, the FAA will not adopt the proposal to revise the control zone associated with the Houston, William P. Hobby Airport, Texas ARSA to be congruent with lateral and vertical boundaries of the Houston, William P. Hobby Airport, Texas ARSA.

The FAA adopts as proposed the control zones listed below, with minor modifications and technical corrections.

Revisions to proposed airspace areas by including technical corrections and airspace changes:

FAA Region: Alaskan

Anchorage, Anchorage International Airport, AK: The airspace description is revised by replacing the references to the "Anchorage VOR" with the "Anchorage VOR/DME."

FAA Region: Central

Cedar Rapids, IA: The airspace description is revised by deleting the reference to the Cedar Rapids VORTAC. This navigation aid does not appear in the airspace description.

FAA Region: Great Lakes

Evansville, IN: The airspace description is revised by adding the geographic positions for the Pocket City VORTAC and Skylark Airport, IN, and including editorial revisions for the area to be congruent with the surface area of the Evansville, IN ARSA.

Fort Wayne, IN: The airspace description is revised by changing the name of "Fort Wayne Municipal Airport, Baer Field" with "Fort Wayne International Airport."

Dayton, James M. Cox-Dayton International Airport, OH: The airspace description is revised by changing the name of "James M. Cox-Dayton International Airport" to "James M. Cox Dayton International Airport."

FAA Region: New England

Windsor Locks, Bradley International Airport, CT: The airspace description is revised by replacing all references to "Skylark Airport" with "Skylark Airpark."

FAA Region: Northwest Mountain

Spokane, Fairchild Air Force Base, WA: The airspace description is revised by clarifying the description of the arrival extension for Spokane International Airport and the boundary with the control zone for Spokane International Airport.

FAA Region: Southern

Greensboro, NC: The airspace description is revised by changing the name of "Greensboro/Piedmont Triad International Airport" with "Piedmont International Airport."

FAA Region: Southwest

Little Rock, Adams Field, AR: The airspace description is revised by replacing the references to "Adams Field" with "Little Rock, Adams Field."

Oklahoma City, Will Rogers World Airport, OK: The airspace description is

revised by adding an exclusion for the Downtown Airpark.

Oklahoma City, Tinker Air Force Base, OK: The airspace description is revised by clarifying the portion of the area excluded.

Abilene, Abilene Regional Airport, TX: The airspace description is revised by including an exclusion for the area to be congruent with the surface area of the Abilene, TX ARSA. The airspace description is revised by replacing all references to the "Tuscola VOR" with the "Tuscola VOR/DME" and replacing all references to the "Abilene ILS Localizer" with the "Abilene Regional Localizer."

Harlingen, TX: The airspace description is revised by including an exclusion for the area to be congruent with the surface area of the Harlingen, TX ARSA. The airspace description is revised by replacing all references to the "Harlingen VOR" with the "Harlingen VOR/DME."

FAA Region: Western-Pacific

Burbank-Glendale-Pasadena, CA: The airspace description is revised by replacing the area excluded from the control zone for Whiteman Airpark from 1.75 miles to 1.8 miles.

Fresno, CA: The airspace description is revised to make it congruent with the Fresno, CA ARSA.

Merced, Castle Air Force Base, CA: The airspace description is revised by changing the name of "Atwater Airport" to "Atwater Municipal Airport."

San Bernardino, Norton Air Force Base, CA: The airspace description is revised to make it congruent with the San Bernardino, CA ARSA.

Revisions to proposed airspace areas by updating a geographic position:

| FAA Region | Proposed geographic position | Revised geographic position |
|-------------------------------|---------------------------------------|---------------------------------------|
| Central | | |
| Name and airport or facility: | | |
| Offutt Air Force Base, NE: | | |
| Offutt Air Force Base: | Lat. 41°07'06" N., Long. 95°54'42" W. | Lat. 41°07'06" N., Long. 95°54'44" W. |
| Great Lakes | | |
| Chicago, Midway Airport, IL: | | |
| Chicago Midway Airport: | Lat. 41°47'09" N., Long. 87°45'07" W. | Lat. 41°47'10" N., Long. 87°45'08" W. |
| Toledo, OH: | | |
| Toledo Express Airport: | Lat. 41°35'15" N., Long. 83°48'19" W. | Lat. 41°35'12" N., Long. 83°48'28" W. |

| FAA Region | Proposed geographic position | Revised geographic position |
|---|--|--|
| Northwest Mountain | | |
| Boise, ID: | | |
| Boise VOR/TAC: | Lat. 43°33'11" N., Long. 116°11'29" W. | Lat. 43°33'11" N., Long. 116°11'28" W. |
| Portland, OR: | | |
| Portland International Airport: | Lat. 45°36'20" N., Long. 122°35'47" W. | Lat. 45°35'20" N., Long. 122°35'47" W. |
| Evergreen Airport: | Lat. 45°37'20" N., Long. 122°31'15" W. | Lat. 45°37'20" N., Long. 122°31'41" W. |
| OM | Lat. 45°37'28" N., Long. 122°41'43" W. | Lat. 45°37'25" N., Long. 122°41'44" W. |
| Southern | | |
| Spokane, Fairchild Air Force Base, WA: | | |
| Spokane Fairchild Air Force Base: | Lat. 47°36'55" N., Long. 117°39'17" W. | Lat. 47°36'54" N., Long. 117°39'25" W. |
| Southwest | | |
| Fort Lauderdale, Fort Lauderdale-Hollywood International Airport, FL: | | |
| Lauderdale VOR/DME: | Lat. 26°04'19" N., Long. 80°09'13" W. | Lat. 26°04'28" N., Long. 80°09'10" W. |
| Palm Beach, FL: | | |
| Palm Beach County Park Airport: | Lat. 26°35'36" N., Long. 80°05'09" W. | Lat. 26°35'33" N., Long. 80°05'08" W. |
| Southwest | | |
| Little Rock, Adams Field, AR: | | |
| Adams Field: | Lat. 34°43'48" N., Long. 92°13'27" W. | Lat. 34°43'44" N., Long. 92°13'27" W. |
| Shreveport, Barksdale Air Force Base, LA: | | |
| Barksdale Air Force Base: | Lat. 32°30'00" N., Long. 93°40'00" W. | Lat. 32°30'06" N., Long. 93°39'45" W. |
| El Paso, TX: | | |
| Biggs Army Air Field: | Lat. 31°51'00" N., Long. 106°23'00" W. | Lat. 31°50'58" N., Long. 106°22'46" W. |
| Midland, TX: | | |
| Midland International Airport: | Lat. 31°56'33" N., Long. 102°12'06" W. | Lat. 31°56'33" N., Long. 102°12'05" W. |

| FAA Region | Proposed geographic position | Revised geographic position |
|---|--|--|
| Western-Pacific | | |
| Tucson, Davis-Monthan Air Force Base, AZ | Lat. 32°09'36" N., Long. 110°52'48" W. | Lat. 32°09'36" N., Long. 110°52'49" W. |
| Merced, Castle Air Force Base, CA | Lat. 37°23'42" N., Long. 120°34'36" W. | Lat. 37°23'40" N., Long. 120°34'36" W. |
| San Bernardino, Norton Air Force Base, CA | Lat. 34°05'43" N., Long. 117°14'02" W. | Lat. 34°05'43" N., Long. 117°14'12" W. |

Extensions of Airspace Areas

In NPRM Number 92-5, the FAA proposed: (1) To revise certain control zones for airports associated with a TCA or an ARSA to include an area that extends upward from the surface beyond the surface area of the TCA or ARSA; (2) to amend subpart E of FAA Order 7400.9, effective September 16, 1993, by establishing those areas that extend beyond the surface area of the TCAs or ARSAs as separate Class E airspace areas; and (3) to amend subpart D of FAA Order 7400.9, effective September 16, 1993, by establishing the area that extends beyond the surface area of the El Paso, Texas ARSA, and the portion of the Seattle, Washington control zone that extends beyond the surface area of the Seattle, Washington TCA as separate Class D airspace areas. No comments were received on these proposals.

The FAA has decided not to adopt the proposal to establish an extension to the San Francisco, California TCA. With the exception of the modifications made to the corresponding control zones, the FAA will adopt: (1) The revisions to the following control zones in section 171 of FAA Handbook 7400.7 as proposed; (2) the amendment to subpart E of FAA Order 7400.9, effective September 16, 1993, to establish certain Class E airspace areas; and (3) the amendment to Subpart D of FAA Order 7400.9, effective September 16, 1993, to establish certain Class D airspace areas.

FAA Region: Alaskan

Anchorage, Anchorage International Airport, AK

FAA Region: Eastern

Atlantic City, Atlantic City International Airport, NJ

FAA Region: Great Lakes

Champaign-Urbana, IL
Fort Wayne, IN
Toledo, OH
Madison, WI

FAA Region: New England

Windsor Locks, Bradley International Airport, CT
Providence, RI
Burlington, VT

FAA Region: Northwest Mountain

Colorado Springs, Colorado Springs Municipal Airport, CO
Boise, ID
Portland, Portland International Airport, OR
Seattle, WA
Spokane, Fairchild Air Force Base, WA

FAA Region: Southern

Birmingham, AL
Huntsville, AL
Fort Lauderdale, FL
Palm Beach, FL
Sarasota, FL
Tallahassee, FL
Fayetteville, NC
Greensboro, NC
Raleigh, NC
Nashville, TN

FAA Region: Southwest

Little Rock, Adams Field, AR
Baton Rouge, LA
Albuquerque, NM
Abilene, Abilene Regional Airport, TX
Abilene, Dyess Air Force Base, TX
Corpus Christi, Corpus Christi International Airport, TX
Del Rio, Laughlin Air Force Base, TX
El Paso, TX
Harlingen, TX
San Antonio, San Antonio International Airport, TX

FAA Region: Western-Pacific

Tucson, Davis-Monthan Air Force Base, AZ
Tucson, Tucson International Airport, AZ
Burbank-Glendale-Pasadena, CA
Fresno, CA
Marysville, Beale Air Force Base, CA
Merced, Castle Air Force Base, CA
Monterey, CA
Ontario, CA
Riverside, March Air Force Base, CA
Sacramento, Mather Air Force Base, CA
Sacramento, Metropolitan Airport, CA

San Bernadino, Norton Air Force Base, CA

San Diego, San Diego International/Lindbergh Field and Miramar Naval Air Station, CA

San Jose, San Jose International Airport, CA

Santa Barbara, CA

Honolulu, Honolulu International Airport, HI

Kahului, HI

Reno, Cannon International Airport, NV

Control Zones for Airports With Operating Control Towers That are not the Primary Airport Within a TCA or an ARSA

The FAA proposed in NPRM Number 92-5 to modify the control zones for airports with operating control towers that are not the primary airport within a TCA or an ARSA. These proposed modifications included: (1) Converting the lateral unit of measurement from statute miles to nautical miles; (2) redesignating the control zones to contain intended operations under IFR; (3) redesignating the ceiling to extend upward from the surface of the earth to a specified altitude; (4) excluding satellite airports to the extent practicable and consistent with instrument procedures and safety; (5) replacing departure extensions with transition areas; and (6) designating each arrival extension for aircraft operating under IFR as Class E airspace, if at least one extension is more than 2 miles from the airspace necessary for aircraft operating under IFR to depart within controlled airspace.

As stated in the Airspace Reclassification final rule and NPRM Number 92-5, the FAA will observe a policy to exclude satellite airports without an operating control tower from the control zones to the extent practicable and consistent with instrument procedures and safety. NPRM Number 92-5 proposed to exclude 15 satellite airports from 14 control zones. During the further review of control zones, the FAA has discovered two control zones that encompass satellite airports. The FAA has determined to exclude Derby, Hamilton Field, Kansas from the control zone for Wichita, McConnell Air Force Base, Kansas, and to exclude Falmouth Airport, Massachusetts, from the control zone for Falmouth, Massachusetts. The FAA believes that the exclusion of these satellite airports from control zones is consistent with FAA policy and invites the public to provide supplementary comment on the exclusions.

Except as discussed below, the FAA will adopt as proposed the revisions to the following control zones for airports with operating control towers that are not the primary airport of a TCA or an ARSA, and corresponding Class D airspace areas, as proposed. The FAA will amend those control zones in section 171 of FAA Handbook 7400.7 and the corresponding Class D airspace areas found in Subpart D of FAA Order 7400.9, which is effective September 16, 1993.

FAA Region: Alaskan

Anchorage, Elmendorf Air Force Base, AK
Anchorage, Lake Hood, AK
Anchorage, Merrill Field, AK
Fairbanks, Eielson Air Force Base, AK
Fairbanks, Fairbanks International Airport, AK
King Salmon, AK

FAA Region: Central

Dubuque, IA
Sioux City, IA
Waterloo, IA
Hutchinson, KS
Manhattan, KS
Olathe, Johnson County Industrial Airport, KS
Salina, KS
Topeka, Forbes Airfield, KS
Cape Girardeau, MO
Columbia, MO
Kansas City, Downtown Airport, MO
Kansas City, Richards-Gebaur Airport, MO
Knob Noster, Whiteman, MO
Saint Joseph, MO
Saint Louis, Spirit of Saint Louis Airport, MO
Springfield, MO
Grand Island, NE

FAA Region: Eastern

Wilmington, DE
Baltimore, Glenn Martin Airport, MD
Hagerstown, MD
Caldwell, NJ
Morristown, NJ
Teterboro, NJ
Trenton, NJ
Wrightstown, McGuire Air Force Base, NJ
Elmira, NY
Farmingdale, NY
Ithaca, NY
Newburgh, NY
Niagara Falls, NY
Poughkeepsie, NY
Utica, NY
Wheeler Sack, NY
White Plains, NY
Harrisburg, Capital City Airport, PA
Harrisburg, International Airport, PA
Lancaster, PA
Latrobe, PA

North Philadelphia, PA
Pittsburg, Allegheny Airport, PA
Reading, PA
Wilkes-Barre, PA
Williamsport, PA
Willow Grove, PA
Charlottesville, VA
Chincoteague, VA
Fort Belvoir, VA
Fort Eustis, VA
Lynchburg, VA
Newport News, VA
Norfolk, Naval Air Station, VA
Oceana, Naval Air Station, VA
Clarksburg, WV
Lewisburg, WV
Martinsburg, WV
Morgantown, WV
Wheeling, WV

FAA Region: Great Lakes

Bloomington, IL
Carbondale, IL
Chicago, Merrill C. Meigs Field, IL
Chicago, Waukegan Regional Airport, IL
Decatur, IL
Quincy, IL
Anderson, IN
Bloomington, IN
Columbus, IN
Elkhart, IN
Gary, IN
Grissom Air Force Base, IN
Lafayette, Purdue University Airport, IN
Terre Haute, IN
Alpena, MI
Battle Creek, W.K. Kellogg Airport, MI
Detroit, Detroit City Airport, MI
Detroit, Willow Run Airport, MI
Pontiac, MI
Saginaw, Tri-City Airport, MI
Traverse City, MI
Duluth, Duluth International Airport, MN
Minneapolis, Crystal Airport, MN
Minneapolis, Flying Cloud Airport, MN
Rochester, MN
Bismarck, ND
 Fargo, ND
Grand Forks, Grand Forks International Airport, ND
Columbus, Bolton Field Airport, OH
Columbus, Ohio State University, OH
Columbus, Rickenbacker Airport, OH
Springfield, OH
Youngstown, Youngstown Municipal Airport, OH
Sault Sainte Marie, ON
Rapid City, Regional Airport, SD
Sioux Falls, SD
Appleton, WI
Janesville, WI
LaCrosse, WI
Milwaukee, Lawrence J. Timmerman Field, WI
Oshkosh, WI
Waukesha, WI
FAA Region: New England
Bridgeport, CT

Danbury, CT
New Haven, CT
Bangor, ME
Bedford, MA
Chicopee Falls, MA
Lawrence, MA
Martha's Vineyard, MA
Nantucket, MA
New Bedford, MA
Norwood, MA
Westfield, MA
Worcester, MA
Lebanon, NH

FAA Region: Northwest Mountain

Aspen, CO
Broomfield, CO
Fort Carson, CO
Grand Junction, CO
Pueblo, CO
Coeur d'Alene, ID
Idaho Falls, ID
Lewiston, ID
Pocatello, ID
Twin Falls, ID
Billings, MT
Great Falls, International Airport, MT
Helena, MT
Missoula, MT
Klamath Falls, OR
Medford, OR
Pendleton, OR
Portland, Hillsboro, OR
Portland, Troutdale, OR
Salem, OR
Bellingham, WA
Fort Lewis, WA
Moses Lake, WA
Olympia, WA
Pasco, WA
Tacoma, Narrows Airport, WA
Walla Walla, WA
Casper, WY
Cheyenne, WY
Gillette, WY

FAA Region: Southern

Dothan, AL
Troy, AL
Tuscaloosa, AL
Bartow, FL
Fort Lauderdale, Executive Airport, FL
Fort Myers, Page Field, FL
Fort Pierce, FL
Gainesville, FL
Hollywood, FL
Jacksonville, Naval Air Station-Cecil Field, FL
Key West, FL
Lakeland, FL
Melbourne, FL
Miami, Opa Locka Airport, FL
Naples, FL
Orlando, Orlando Executive Airport, FL
Panama City, FL
Saint Petersburg, Albert Whitted Airport, FL

Saint Petersburg, Saint Petersburg-Clearwater International Airport, FL
Titusville, FL
Tyndall Air Force Base, FL
Vero Beach, FL
White House Navy Outlying Field, FL
Albany, Southwest Georgia Regional Airport, GA
Atlanta, Dekalb Peachtree Airport, GA
Atlanta, Dobbins Air Force Base, GA
Augusta, GA
Columbus, Lawson Army Air Field, GA
Fort Stewart, GA
Macon, GA
Valdosta, Regional Airport, GA
Louisville, Bowman Field, KY
Owensboro, KY
Paducah, Barkley Regional Airport, KY
Columbus, Golden Triangle Airport, MS
Greenville, MS
Gulfport, MS
Meridian, Key Field, MS
Asheville, NC
Elizabeth City, NC
Kinston, NC
Wilmington, NC
Winston-Salem, NC
Florence, SC
Myrtle Beach Air Force Base, SC
North Myrtle Beach, SC
Smyrna, TN
Tri-City, TN
Charlotte Amalie, Cyril E. King Airport, VI
Christiansted-St. Croix, VI
FAA Region: Southwest
Blytheville, AR
Fayetteville, AR
Fort Smith, AR
Springdale, AR
Texarkana, AR
Alexandria, Esler Regional Airport, LA
Fort Polk, LA
Houma, LA
Lake Charles, Chennault Industrial Airport, LA
Lake Charles, Lake Charles Regional Airport, LA
Monroe, LA
New Iberia, LA
New Orleans, Lakefront Airport, LA
Clovis, NM
Farmington, NM
Roswell, NM
Santa Fe, NM
Ardmore, OK
Oklahoma City, Wiley Post Airport, OK
Tulsa, Richard Lloyd Jones, Jr. Airport, OK
Beaumont, TX
Brownsville, TX
College Station, TX
Dallas, Addison Airport, TX
Fort Worth, Alliance Airport, TX
Greenville, TX
Houston, David Wayne Hooks Memorial Airport, TX
Houston, Ellington Air Force Base, TX

Laredo, TX
Longview, TX
San Angelo, TX
San Antonio, Stinson Municipal Airport, TX
Tyler, TX
Waco, TX
FAA Region: Western-Pacific
Chandler, AZ
Flagstaff, AZ
Fort Huachuca, AZ
Glendale, AZ
Grand Canyon, AZ
Phoenix, Deer Valley Municipal Airport, AZ
Phoenix, Goodyear Municipal Airport, AZ
Scottsdale, AZ
Yuma, AZ
Bakersfield, CA
Camarillo, CA
Carlsbad, McClellan-Palomar, CA
Chico, CA
Chino, CA
El Monte, CA
Fairfield, Travis Air Force Base, CA
Fort Ord, Fritzsche Army Air Field, CA
Fullerton, CA
Hayward, CA
La Verne, CA
Lancaster, CA
LeMoore Naval Air Station, CA
Livermore, CA
Long Beach, CA
Los Angeles, Hawthorne Municipal Airport, CA
Modesto City, CA
Napa, CA
Palm Springs, CA
Palmdale, CA
Palo Alto, CA
San Carlos, CA
San Diego, Montgomery Field, CA
San Luis Obispo, CA
Santa Maria, CA
Santa Monica, CA
Santa Rosa, CA
South Lake Tahoe, CA
Torrance, CA
Van Nuys, CA
Barbers Point Naval Air Station, HI
Hilo International Airport, General Lyman Field, HI
Honolulu, Wheeler Air Force Base, HI
Kailua-Kona, HI
Molokai, HI
Kwajalein Island, MQ

The airspace areas listed below have been amended by separate rulemaking since the review of control zones by the FAA regions and these amendments were not proposed in NPRM Number 92-5. Because this action does not change the boundaries and configuration of any of these areas, with respect to these areas it is insignificant in nature and impact and inconsequential to the industry and public. Therefore, notice

and public procedure under 5 U.S.C. 533(b) are unnecessary.

FAA Region: Eastern

Rome, NY: The airspace description is revised according to Airspace Docket Number 91-AEA-21.

Johnstown, PA: The airspace description is revised according to Airspace Docket Number 91-AEA-18.

Manassas, VA: The airspace description for this area, which was established by Airspace Docket Number 91-AEA-01, is added to this final rule.

FAA Region: New England

Stratford, CT: The airspace description is revised according to Airspace Docket Number 91-ANE-31.

FAA Region: Great Lakes

Chicago, DuPage Airport, IL: The airspace description for this area is revised according to Airspace Docket Number 91-AGL-14.

FAA Region: Northwest Mountain

Renton, WA: The airspace description is revised according to Airspace Docket Number 91-ANM-07.

FAA Region: Western-Pacific

Stockton, CA: The airspace description is revised according to Airspace Docket Number 91-AWP-1.

Kaneohe Marine Corps Air Station, HI: The airspace description is revised according to Airspace Docket Number 92-AWP-5.

Revisions to proposed airspace areas by including technical corrections and airspace changes:

FAA Region: Alaskan

Anchorage, Bryant Army Heliport, AK: The airspace description is revised to include editorial modifications that are necessary to a revision to a geographic position.

Fairbanks, Fort Wainwright Army Air Field, AK: The airspace description is revised by replacing "Wainwright AAF Airport" with "Wainwright AAF" and other editorial modifications.

Galena, AK: The airspace description is revised by renaming the title of the area from "Galena Airport, AK" to "Galena, AK."

Juneau, AK: The airspace description is revised by ensuring the ceiling is at 2,500 feet MSL, which is the equivalent of 2,500 feet above the surface, and including editorial modifications.

Kenai, AK: The airspace description is revised by replacing references to the "Kenai VOR" with the "Kenai VOR/DME" and by including editorial modifications.

Ketchikan, AK: The airspace description is revised by changing the name of the "Ketchikan Airport" as the "Ketchikan International Airport;" by replacing references to the "Ketchikan LOC" with the "Ketchikan Localizer;" and by including editorial modifications.

Kodiak, AK: The airspace description is revised by including editorial modifications.

Shemya, AK: The airspace description is revised for clarity.

FAA Region: Central

Fort Leavenworth, KS: The airspace description is revised by changing the name of "Sherman Army Airfield" to "Sherman Army Air Field."

Fort Riley, KS: The airspace description is revised by changing the name of "Marshall Army Airfield" to "Marshall Army Air Field."

Topeka, Phillip Billard Airport, KS: The airspace description is revised by replacing the name of the name of the Phillip Billard Airport" to the "Phillip Billard Municipal Airport."

Wichita, McConnell Air Force Base, KS: The airspace description is revised by adding an exclusion for Derby, Hamilton Field, KS. This airport does not have an operating control tower.

Jefferson City, MO: The airspace description is revised by changing the title of the area from "Jefferson, MO," to "Jefferson City, MO."

FAA Region: Eastern

Aberdeen, MD: The airspace description is revised by eliminating the arrival extension based on the 033° radial from the Phillips VOR and by including editorial modifications.

Lakehurst, NJ: The airspace description is revised by changing the name of "Lakehurst Naval Air Experimental Center Airport" with the "Lakehurst Naval Air Experimental Center Airport/Maxfield Field."

Westhampton Beach, NY: The airspace description is revised by changing the airport name from "Suffolk County Airport" to "Francis S. Gabreski Airport."

Schenectady, NY: The airspace description is revised by adding a ceiling of 2,900 feet mean sea level (MSL), which is the equivalent of 2,500 feet above the surface. The area will become Class D airspace on September 16, 1993, not Class E airspace as identified in NPRM No. 92-5.

Huntington, WV: The airspace description is revised by changing the name of the "Tri State/Milton J. Ferguson Field Airport" with the "Tri State/Milton J. Ferguson Field Airport."

Parkersburg, WV: The airspace description is revised by changing the

name of the "Wood County (Gill Robb Wilson Field) Airport" to the "Wood County Airport-Gill Robb Wilson Field."

FAA Region: Great Lakes

Alton, IL: The airspace description is revised by adding the provision for the control zone to operate part-time.

Belleville, IL: The airspace description is revised by changing the name of the "Scott AFB TACAN" as the "Scott TACAN."

Cahokia, IL: The airspace description is revised by including editorial modifications.

Chicago, Aurora Municipal Airport, IL: The airspace description is revised by replacing references to the "DuPage VOR" with the "DuPage VOR/DME."

Chicago, DuPage Airport, IL: The airspace description is revised by replacing references to the "DuPage VOR" with the "DuPage VOR/DME."

Glenview, IL: The airspace description is revised by replacing all references to the "Northbrook VOR" with the "Northbrook VORTAC;" all references to "Chicago O'Hare International Airport" with "Chicago-O'Hare International Airport;" and all references to "O'Hare VORTAC" with "Chicago-O'Hare VOR/DME."

Rockford, IL: The airspace description is revised by adding the geographic positions of the Greater Rockford ILS Localizer and the Gilmy LOM.

Jackson, MI: The airspace description is revised by adding the geographic position of the Jackson VOR/DME and including editorial revisions.

Kalamazoo, Battle Creek International Airport, MI: The airspace description is revised by replacing "Austin LOM" with "Austin LOM" and by clarifying that the extension to the southeast of an airport extends to the Austin LOM.

Muskegon, MI: The airspace description is revised by moving the proposed arrival extension from west of the Muskegon County Airport to east of the Muskegon County Airport, which is the location of the existing arrival extension.

Oscoda, MI: This airspace description was placed in Docket Number 26852, but was mistakenly omitted from NPRM Number 92-5. The area is adopted as proposed with a ceiling at 3,100 feet MSL, which is the equivalent of 2,500 feet above the surface, and the current radius is expanded by less than 1 mile.

Cincinnati, Municipal-Lunken Field Airport, OH: The airspace description is revised by replacing the reference to the "Greater Cincinnati International Airport" with the "Cincinnati/Northern Kentucky International Airport." The airspace description is revised by

changing the name of "Cincinnati Municipal-Lunken Field Airport" to "Cincinnati Municipal Airport-Lunken Field."

Cleveland, Burke-Lakefront, OH: The airspace description is revised by changing the name of "Burke-Lakefront" to "Burke Lakefront" and by adding the geographic positions for the Tabey LOM and the Burke Lakefront ILS Localizer.

Cleveland, Cuyahoga County Airport, OH: The airspace description is revised by replacing the reference to the Willoughby, Lost Nation Airport, OH Control Zone, to the Willoughby, OH Control Zone and by deleting the proposed exclusion of the Cleveland, Burke Lakefront, OH control zone.

Mansfield, OH: The airspace description is revised by changing the name of "Mansfield-Lahm Airport" to "Mansfield Lahm Airport."

Willoughby, OH: The airspace description is revised by excluding the Cleveland, Cuyahoga County Airport, OH Control Zone.

FAA Region: New England

Groton, CT: The airspace description is revised by eliminating the unnecessary reference to the Trumbull VOR. The airspace description is revised by replacing all references to "Elizabeth Airport" with "Elizabeth Field."

Hartford, CT: The airspace description is revised excluding that airspace in the Bradley International Airport, Windsor Locks, CT ARSA.

Stratford, CT: The airspace description is revised by replacing the reference to the "Igor I. Sikorsky Memorial Airport, CT Control Zone" with the "Bridgeport, CT Control Zone."

Brunswick, ME: The airspace description is revised by replacing all references to the "Brunswick Naval Air Station" with the "Brunswick NAS" and by replacing all references to the "Brunswick VOR" with the "Brunswick VORTAC."

Beverly, MA: The airspace description is revised by replacing all references to "Lawrence VOR" with "Lawrence VOR/DME."

Falmouth, MA: The airspace description is revised by updating the airport from the "Otis Air Force Base" to the "Otis Air National Guard Base." It is also revised to exclude that airspace within 1 mile of Falmouth Airpark, MA, which does not have an operating control tower.

Fort Devens, MA: The airspace description is revised by replacing the arrival extension based on the 307° bearing of the Moore Army Air Field with an arrival extension based on the

310° bearing of the Moore Army Air Field.

Hyannis, MA: The airspace description is revised by updating the airport name from the "Hyannis, Barnstable Municipal Airport" to the "Hyannis, Barnstable Municipal Airport-Boardman/Polando Field."

South Weymouth, MA: The airspace description is revised by clarifying that the arrival extension based on the 162° bearing from the South Weymouth Naval Air Station extends southeast, not southwest.

Nashua, NH: The airspace description is revised by clarifying the description of the arrival extensions and replacing the reference to the "Manchester/Grenier County Industrial Airpark, NH Control Zone" with the "Manchester, NH Control Zone."

Portsmouth, NH: The airspace description is revised by replacing the name of an airport from "Pease Air National Guard Base" to "Pease International Tradeport."

North Kingston, RI: The airspace description is revised by correcting the ceiling to be 2,500 feet MSL and eliminating the arrival extensions on the 354° and 325° bearing from the Quonset State Airport.

FAA Region: Northwest Mountain

Abbotsford, BC: The airspace description is not revised. The area was mistakenly identified in NPRM No. 92-5. The area was proposed and is adopted with a ceiling of 3,000 feet MSL, which is the same ceiling as the adjoining airspace that overlies Canada. This is more than 2,500 feet above the surface.

Aurora, CO: A separate airspace area is established for this airport, which is currently included in the control zone for Denver International Airport, CO.

Colorado Springs, United States Air Force Academy, CO: The airspace description is revised by excluding that airspace in the Colorado Springs, CO ARSA.

Denver, Centennial Airport, CO: The airspace description is revised by excluding the airspace in the Denver, CO TCA.

Eugene, OR: The airspace description is revised by changing the name of "Mahlon Sweet Field" to "Mahlon Sweet Field Airport."

Renton, WA: The airspace description is revised by replacing references to geographic positions with distances from the Renton Municipal Airport and the Seattle VORTAC.

Seattle, Boeing Field, King County International Airport, WA: The airspace description is revised by replacing the references to geographic positions with distances from the Boeing Field/King

County International Airport, Nolla NDB, Renton Municipal Airport, and the Seattle VORTAC.

Spokane, Felts Field, WA: The airspace description is revised to delete the proposed extension area west of Felts Field.

Yakima, WA: The airspace description is revised by changing the name of "Yakima Municipal Airport" to "Yakima Air Terminal."

FAA Region: Southern

Huntsville, Redstone Army Air Field, AL: A separate airspace area is established for this airport, which is currently included in the control zone for Huntsville International-Carl T. Jones Field, AL.

Mobile, Downtown Airport, AL: The airspace description is revised by replacing the name "Brookley Airport" with "Downtown Airport" and adding a ceiling of 2,500 feet MSL, which is the equivalent of 2,500 feet above the surface. The area was misidentified in NPRM Number 92-5 and will become Class D airspace on September 16, 1993, not Class E airspace as identified in NPRM No. 92-5.

Jacksonville Naval Air Station, FL: The airspace description is revised by adding the geographic position for Cecil Field NAS.

Jupiter, FL: The airspace description is revised by changing the name of "Gwinn Airport" to "William P Gwinn Airport."

MacDill Air Force Base, FL: The airspace description is revised by changing the name of "St. Petersburg Albert-Whitted Airport" to "Albert-Whitted Airport."

Mayport, FL: The airspace description is revised by replacing all references to the "Mayport TACAN" with the "Mayport (Navy) TACAN."

Miami, Tamiami Airport, FL: The airspace description is revised by adding an exclusion from the Miami, FL TCA.

Greenwood, MS: The airspace description is revised by adding a ceiling of 2,700 feet MSL, which is the equivalent of 2,500 feet above the surface. The area will become Class D airspace on September 16, 1993, not Class E airspace as identified in NPRM No. 92-5.

Jackson, Hawkins Field, MS: The airspace description is revised by clarifying the exclusion from the Jackson, MS ARSA.

Meridian Naval Air Station, MS: The airspace description is revised by changing the name of "NAS Meridian" to "Meridian NAS, McCain Field."

Bogue, NC: The airspace description is revised by changing the name of "Bogue MCALF" with "Bogue Field MCALF."

Simmons Army Air Field, NC: The airspace description is revised to ensure the area meets adjoining controlled airspace.

Roosevelt Roads, PR: The airspace description is revised by changing the name of "Roosevelt Roads NS" to "Roosevelt Roads NS (Ofstie Field)."

San Juan, Isla Grande Airport, PR: The airspace description is revised by changing the airport name from "Isla Grande Airport" to "Fernando Luis Ribas Dominici Airport."

Beaufort, SC: The airspace description is revised by changing the name of "Beaufort MCAS" to "Beaufort MCAS/Merritt Field."

Eastover, McEntire Air National Guard Base, SC: The airspace description is revised by adding a ceiling of 2,800 feet MSL, which is the equivalent of 2,500 feet above the surface. The area will become Class D airspace on September 16, 1993, not Class E airspace as identified in NPRM No. 92-5.

Greenville, SC: The airspace description is revised by clarifying that the area excludes the airspace within the Greer, SC ARSA.

North, SC: The airspace description is revised by changing the name of "North AFAF" to "North AF Aux."

FAA Region: Southwest

Little Rock, Air Force Base, AR: This airspace description was placed in Docket Number 26852, but was mistakenly omitted from NPRM Number 92-5. The area is adopted as proposed with a ceiling at 2,800 feet MSL, which is the equivalent of 2,500 feet above the surface, and the current radius is reduced by more than 1 mile and less than 2 miles.

New Orleans, Naval Air Station, LA: The airspace description is revised by adding an exclusion from the New Orleans, LA TCA.

Shreveport, Downtown Airport, LA: The airspace description is revised by clarifying that the area excludes the airspace in Shreveport, Regional Airport, LA ARSA and the Barksdale Air Force Base, LA ARSA. The airspace description is revised to lower the ceiling to 1,600 feet MSL so it does not overlap the overlying Shreveport, Barksdale Air Force Base, LA ARSA.

Alamogordo, NM: The airspace description is revised by replacing the proposed arrival extension to the southeast of Holloman Air Force Base with an arrival extension that is northwest of the airport.

Hobbs, NM: The airspace description is revised by changing the name of "Lea

County Airport" to "Lea County (Hobbs) Airport."

Clinton, OK: The airspace description is revised by adding a ceiling of 4,400 feet MSL, which is the equivalent of 2,500 feet above the surface. The area will become Class D airspace on September 16, 1993, not Class E airspace as identified in NPRM No. 92-5.

Enid, Vance Air Force Base, OK: The airspace description is revised by replacing the references to the "Woodring VOR" with the "Woodring VOR/DME."

Enid, Woodring Municipal Airport, OK: The airspace description is revised by replacing all references to the "Woodring VOR" to the "Woodring VOR/DME."

Lawton, OK: The airspace description is revised by replacing references to the Lawton VOR with the Lawton VOR/DME and replacing references to the Trail RBN with the Trail NDB.

Norman, OK: The airspace description is revised by adding a ceiling of 3,700 feet MSL, which is the equivalent of 2,500 feet above the surface. The area will become Class D airspace on September 16, 1993, not Class E airspace as identified in NPRM No. 92-5.

Austin, Bergstrom Air Force Base, TX: The airspace description is revised by replacing the references to the Bergstrom VORTAC with the Bergstrom TACAN.

Corpus Christi, Naval Air Station, TX: The airspace description is revised by eliminating the proposed arrival extensions based on the 154° bearing from Navy Corpus RBN and the 158° radial from the Truax VORTAC. It is also revised by replacing references to the "Navy Corpus VORTAC" with the "Truax VORTAC;" deleting references to the Navy Corpus RBN and the Corpus Christi VORTAC; and replacing reference to "Corpus Christi, TX ARSA" with "Corpus Christi International, TX ARSA."

Dallas, Naval Air Station, TX: The airspace description is revised by including modifications made to the Dallas, TX TCA.

Dallas, Redbird Airport, TX: The airspace description is revised by including modifications made to the Dallas, TX TCA.

Fort Worth, Carswell Air Force Base, TX: The airspace description is revised by replacing references to the "Carswell ILS localizer" with references to the "Carswell ILS North localizer;" adding the Carswell ILS South localizer; and replacing references to the "Carswell VORTAC" with the "Carswell TACAN."

Fort Worth, Meacham Field, TX: The airspace description is revised by changing the name of "Fort Worth

Meacham Field" to "Fort Worth Meacham Airport."

Hood Army Air Field, TX: The airspace description is revised by clarifying the airspace excluded from the area for charting purposes. It is also revised by replacing all references to the "Gray VOR" with the "Gray VOR/DME."

McAllen, TX: The airspace description is revised by replacing all references to the "McAllen VOR" with the "McAllen VOR/DME."

Robert Gray Army Air Field, TX: The airspace description is revised by replacing all references to the "Gray VOR" with the "Gray VOR/DME."

San Antonio, Kelly Air Force Base, TX: The airspace description is revised by replacing the proposed arrival extension based on the 159° radial from the Kelly VORTAC with an arrival extension based on the 339° radial from the Kelly TACAN. The new extension is similar to the current arrival extension, which is based on the 341° radial of the Kelly TACAN.

Wichita Falls, TX: The airspace description is revised by eliminating the proposed exclusion for Wichita Valley Airport, which is beyond the boundary of the Wichita Falls, TX Control Zone. The area was identified as having a ceiling less than 2,500 feet above the surface. However, the airspace area is proposed and adopted with a ceiling at 3,500 feet MSL, which is the equivalent of 2,500 feet above the surface.

FAA Region: Western-Pacific

Falcon Field, AZ: The airspace description is revised by changing the name of "Falcon Field Airport" to "Falcon Field."

Prescott, AZ: The airspace description is revised by adding the geographic position of the Ernest A Love Field Localizer.

Alameda Naval Air Station, CA: The airspace description is revised by changing the name of "Alameda NAS" to "Alameda NAS (Nimitz Field)."

Camp Pendleton, CA: The airspace description is revised by changing the name of "Camp Pendleton MCAS" to "Camp Pendleton MCAS (Munn Field)."

Concord, CA: The airspace description is revised by replacing all references to the "Concord VOR" with the "Concord VOR/DME."

Crows Landing, CA: The airspace description is revised by replacing all references to "Patterson Field" with "Patterson Airport."

El Centro Naval Air Station, CA: The airspace description is revised by adding R-2510 to the airspace excluded from the area.

Imperial Beach, CA: The airspace description is revised by changing the name of "Brown Field" to "Brown Field Municipal."

LeMoore, CA: The airspace description is revised by changing the name of "LeMoore NAS" to "LeMoore NAS (Reeves Field)."

Miramar Naval Air Station, CA: The airspace description is revised by clarifying that the area meets the boundaries of the San Diego, CA TCA. It is also revised by changing the name of "Miramar NAS" to "Miramar NAS (Mitscher Field)."

Mountain View, Moffet Field, CA: The airspace description is revised by excluding the area from the San Jose, CA ARSA at all times. It is also revised by replacing "Palo Alto Airport, CA Control Zone" with "Palo Alto, CA Control Zone."

Oxnard, CA: The airspace description is revised by changing the name of "Oxnard/Ventura County Airport" to "Oxnard Airport."

Point Mugu, CA: The airspace description is revised by changing the name of "Point Mugu NAS" to "Point Mugu NAWS."

Redding, CA: The airspace description is revised by replacing all references to the "Redding VORTAC" with the "Redding VOR/DME."

Riverside, Municipal Airport, CA: The airspace description is revised by changing the name of "Riverside Flabob Airport" to "Flabob Airport." It is also revised by replacing the proposal to include the airspace within a 2.6-mile radius of Riverside Municipal Airport with airspace within a 3.5-mile radius. This will permit the airspace within a 3.5-mile radius of Riverside Municipal Airport to be designated as Class D airspace and the rest of the area to be designated as Class E airspace.

Salinas, CA: The airspace description is revised by replacing "Fort Ord Fritzche AAF, CA Control Zone" with "Fort Ord, CA Control Zone" and replacing "Monterey Peninsula Airport, CA Control Zone" with "Monterey, CA Control Zone."

San Clemente Island, CA: The airspace description is revised by ensuring the ceiling is at 2,700 feet MSL, which is the equivalent of 2,500 feet above the surface. The airspace description is revised by changing the name of "San Clemente Island NALF" to "San Clemente Island NALF (Frederick Sherman Field)."

San Diego, Brown Field, CA: The airspace description is revised by changing the name of "Brown Field" to "Brown Field Municipal."

San Diego, North Island Naval Air Station, CA: The airspace description is not revised. The area was misidentified in NPRM No. 92-5. The area was proposed and is adopted with a ceiling of 2,800 feet MSL, which will meet the airspace from the San Diego, CA TCA that overlies the area. The airspace description is revised by changing the name of "North Island NAS" to "North Island NAS (Halsey Field)."

San Jose, Reid-Hillview Airport, CA: The airspace description is revised by

changing the name of "Reid-Hillview Airport" to "Reid Hillview of Santa Clara County Airport."

Guam Island, Agana Naval Air Station, GU: The airspace description is revised by replacing all distances that were proposed in statute miles with the nearest nautical mile equivalents and by ensuring the area is aligned with adjacent controlled airspace.

Guam Island, Anderson Air Force Base, GU: The airspace description is revised by replacing all distances that

were proposed in statute miles with the nearest nautical mile equivalent.

Fallon Naval Air Station, NV: The airspace description is revised by changing the name of "Fallon NAS" to "Fallon NAS (Van Voorhis Field)."

North Las Vegas, NV: The airspace description is revised by deleting a reference to the Las Vegas International Airport and to the airport's geographic position.

Revisions to proposed airspace areas by updating a geographic position:

| FAA region | Proposed geographic position | Revised geographic position |
|---|--|--|
| Name and airport or facility: | | |
| Alaskan | | |
| Adak, AK: | | |
| Adak Naval Air Station Airport..... | Lat. 51°52'46" N., Long. 176°38'37" W..... | Lat. 51°52'58" N., Long. 176°38'41" W. |
| Adak NDB..... | Lat. 51°55'01" N., Long. 176°33'09" W..... | Lat. 51°55'06" N., Long. 176°33'52" W. |
| Anchorage, Bryant Army Heliport, AK: | | |
| Bryant Army Heliport..... | Lat. 61°15'08" N., Long. 149°39'02" W..... | Lat. 61°15'47" N., Long. 149°39'09" W. |
| Bethel, AK: | | |
| Bethel Airport..... | Lat. 60°46'50" N., Long. 161°50'08" W..... | Lat. 60°46'50" N., Long. 161°50'09" W. |
| Galena, AK: | | |
| Galena Airport..... | Lat. 64°44'13" N., Long. 156°56'06" W..... | Lat. 64°44'12" N., Long. 156°56'06" W. |
| Juneau, AK: | | |
| Juneau Localizer..... | Lat. 58°21'33" N., Long. 134°38'08" W..... | Lat. 58°21'33" W., Long. 134°38'09" W. |
| Shemya, AK: | | |
| Shemya VORTAC..... | Lat. 52°43'13" N., Long. 174°03'51" E..... | Lat. 52°43'12" N., Long. 174°03'55" E. |
| Central | | |
| Olathe, Johnson County Executive Airport, KS: | | |
| Johnson County Executive Airport..... | Lat. 38°50'51" N., Long. 94°44'15" W..... | Lat. 38°50'51" N., Long. 94°44'14" W. |
| Fort Leonard Wood, MO: | | |
| Forney Army Air Field..... | Lat. 37°44'33" N., Long. 92°08'20" W..... | Lat. 37°44'31" N., Long. 92°08'24" W. |
| Joplin, MO: | | |
| Joplin Regional Airport..... | Lat. 37°08'58" N., Long. 94°29'54" W..... | Lat. 37°09'02" N., Long. 94°29'53" W. |
| Eastern | | |
| Dover, DE: | | |
| Dover TACAN..... | Lat. 39°07'54" N., Long. 75°28'06" W..... | Lat. 39°07'56" N., Long. 75°28'04" W. |
| Aberdeen, MD: | | |
| Phillips Army Air Field..... | Lat. 39°28'00" N., Long. 76°10'12" W..... | Lat. 39°27'58" N., Long. 76°10'12" W. |
| Patuxent River, MD: | | |
| Patuxent River Naval Air Station..... | Lat. 38°17'18" N., Long. 76°25'00" W..... | Lat. 38°17'30" N., Long. 76°25'00" W. |
| Patuxent VORTAC..... | Lat. 38°17'18" N., Long. 76°24'00" W..... | Lat. 38°17'16" N., Long. 76°24'02" W. |
| Patuxent River NDB..... | Lat. 38°17'15" N., Long. 76°24'22" W..... | Lat. 38°17'09" N., Long. 76°24'12" W. |
| Chesapeake Ranch Airpark..... | Lat. 38°21'40" N., Long. 76°24'15" W..... | Lat. 38°21'40" N., Long. 76°24'20" W. |
| Binghamton, NY: | | |
| Edwin A. Link Field/Broome County..... | Lat. 42°12'27" N., Long. 75°58'46" W..... | Lat. 42°12'30" N., Long. 75°58'48" W. |
| Calverton, NY: | | |
| Calverton Naval Weapons Industrial Reserve Plant (Paconic Field)..... | Lat. 40°54'24" N., Long. 72°47'30" W..... | Lat. 40°54'54" N., Long. 72°47'33" W. |
| Plattsburgh, NY: | | |
| Plattsburgh Air Force Base..... | Lat. 44°39'06" N., Long. 73°28'06" W..... | Lat. 44°39'03" N., Long. 73°28'06" W. |
| Clinton County Airport..... | Lat. 44°41'14" N., Long. 73°31'23" W..... | Lat. 44°41'15" N., Long. 73°31'30" W. |
| Rome, NY: | | |
| Griffiss Air Force Base..... | Lat. 43°14'00" N., Long. 75°24'24" W..... | Lat. 43°14'02" N., Long. 75°24'27" W. |
| Beaver Falls, PA: | | |
| Erlwood City VORTAC..... | Lat. 40°49'30" N., Long. 80°12'42" W..... | Lat. 40°49'31" N., Long. 88°12'42" W. |
| Erie, PA: | | |
| Erie International Airport..... | Lat. 42°04'54" N., Long. 80°10'38" W..... | Lat. 42°04'55" N., Long. 80°10'35" W. |
| Fort Indiantown Gap, PA: | | |
| Muir Army Air Field..... | Lat. 40°26'06" N., Long. 76°34'12" W..... | Lat. 40°26'05" N., Long. 76°34'11" W. |
| Hampton Roads, VA: | | |
| Langley Army Air Field..... | Lat. 37°05'00" N., Long. 76°21'42" W..... | Lat. 37°04'58" N., Long. 76°21'39" W. |
| Quantico, VA: | | |
| Quantico Marine Corps Air Field (Turner Field)..... | Lat. 38°30'15" N., Long. 77°18'24" W..... | Lat. 38°30'06" N., Long. 77°18'21" W. |
| Quantico NDB..... | Lat. 38°30'12" N., Long. 77°18'36" W..... | Lat. 38°29'52" N., Long. 77°18'35" W. |
| Great Lakes | | |
| Cahokia, IL: | | |
| Cahokia-St. Louis Downtown Parks Airport..... | Lat. 38°34'17" N., Long. 90°09'26" W..... | Lat. 38°34'14" N., Long. 90°09'22" W. |
| Chicago, Dupage Airport, IL: | | |
| Chicago, Dupage Airport..... | Lat. 41°54'52" N., Long. 88°14'47" W..... | Lat. 41°54'24" N., Long. 88°14'54" W. |
| Glenview, IL: | | |
| Glenview TACAN..... | Lat. 42°05'08" N., Long. 87°49'20" W..... | Lat. 42°05'08" N., Long. 87°49'21" W. |

| FAA Region | Proposed geographic position | Revised geographic position |
|--|--|--|
| Marion, IL: Marion VOR/DME..... | Lat. 37°45'16" N., Long. 89°00'42" W..... | Lat. 37°45'15" N., Long. 89°00'42" W. |
| Muncie, IN: Muncie VOR/DME..... | Lat. 40°14'14" N., Long. 85°23'37" W..... | Lat. 40°14'14" N., Long. 85°23'39" W. |
| Ann Arbor, MI: Ann Arbor Municipal Airport..... | Lat. 42°13'22" N., Long. 83°44'40" W..... | Lat. 42°13'23" N., Long. 83°44'44" W. |
| K.I. Sawyer Air Force Base, MI: K.I. Sawyer Air Force Base..... | Lat. 46°21'13" N., Long. 87°23'43" W..... | Lat. 46°21'13" N., Long. 87°23'44" W. |
| Mount Clemens, MI: Selfridge Air National Guard Base..... | Lat. 42°36'46" N., Long. 82°49'55" W..... | Lat. 42°36'03" N., Long. 82°50'14" W. |
| Oscoda, MI: Oscoda, Wurtsmith Air Force Base..... | Lat. 44°27'06" N., Long. 83°23'39" W..... | Lat. 44°27'05" N., Long. 83°23'39" W. |
| Saint Paul, MN: South St. Paul Municipal Richard E. Fleming Field..... | Lat. 44°51'30" N., Long. 93°02'00" W..... | Lat. 44°51'26" N., Long. 93°01'58" W. |
| Grand Forks Air Force Base, ND: Grand Forks Air Force Base..... | Lat. 47°57'41" N., Long. 97°24'02" W..... | Lat. 47°57'40" N., Long. 97°24'03" W. |
| Minot Air Force Base, ND: Minot Air Force Base..... | Lat. 48°24'57" N., Long. 101°21'28" W..... | Lat. 48°24'56" N., Long. 101°21'26" W. |
| Minot, Minot International Airport, ND: Minot International Airport..... | Lat. 48°15'34" N., Long. 101°16'50" W..... | Lat. 48°15'34" N., Long. 101°16'51" W. |
| Dayton, Wright-Patterson Air Force Base, OH: Dayton, Wright-Patterson Air Force Base..... | Lat. 39°49'30" N., Long. 84°02'48" W..... | Lat. 39°49'34" N., Long. 84°02'54" W. |
| Rapid City, Ellsworth Air Force Base, SD: Ellsworth Air Force Base..... | Lat. 44°08'42" N., Long. 103°06'11" W..... | Lat. 44°08'20" N., Long. 103°06'11" W. |
| Camp Douglas, WI: Volk Field Airport..... | Lat. 43°56'25" N., Long. 90°15'20" W..... | Lat. 43°56'18" N., Long. 90°16'06" W. |
| New England | | |
| Limestone, ME: Loring Air Force Base..... | Lat. 46°57'02" N., Long. 67°53'09" W..... | Lat. 46°57'01" N., Long. 67°53'10" W. |
| Falmouth, MA: Otis ANGB..... | Lat. 41°39'33" N., Long. 70°31'24" W..... | Lat. 41°39'30" N., Long. 70°31'19" W. |
| Otis TACAN..... | Lat. 41°39'36" N., Long. 70°30'54" W..... | Lat. 41°39'34" N., Long. 70°30'52" W. |
| Fort Devens, MA: Shirley Airport..... | Lat. 42°31'30" N., Long. 71°39'55" W..... | Lat. 42°31'38" N., Long. 71°39'54" W. |
| Hyannis, MA: Hyannis, Barnstable Municipal Airport-Boardman/Polando Field, MA..... | Lat. 41°40'07" N., Long. 70°16'48" W..... | Lat. 41°40'09" N., Long. 70°16'51" W. |
| Nashua, NH: Manchester VORTAC..... | Lat. 42°52'06" N., Long. 71°41'11" W..... | Lat. 42°52'06" N., Long. 71°22'12" W. |
| Portsmouth, NH: Pease International Tradeport..... | Lat. 43°04'39" N., Long. 70°49'26" W..... | Lat. 43°04'40" N., Long. 70°49'26" W. |
| Northwest Mountain | | |
| Mountain Home, ID: Mountain Home Air Force Base..... | Lat. 43°02'37" N., Long. 115°52'15" W..... | Lat. 43°02'26" N., Long. 115°52'18" W. |
| Great Falls, Malmstrom Air Force Base, MT: Malmstrom Air Force Base..... | Lat. 47°30'21" N., Long. 111°11'02" W..... | Lat. 47°30'18" N., Long. 111°11'14" W. |
| Ogden, Hill Air Force Base, UT: Hill Air Force Base..... | Lat. 41°07'26" N., Long. 111°58'20" W..... | Lat. 41°07'25" N., Long. 111°58'20" W. |
| Ogden-Hinckley Airport, UT: Hill Air Force Base..... | Lat. 41°07'26" N., Long. 111°58'20" W..... | Lat. 41°07'25" N., Long. 111°58'20" W. |
| Everett, WA: Paine VOR/DME..... | Lat. 47°54'11" N., Long. 122°17'12" W..... | Lat. 47°55'12" N., Long. 122°16'35" W. |
| Tacoma, McChord Air Force Base, WA: McChord Air Force Base..... | Lat. 47°08'16" N., Long. 122°28'31" W..... | Lat. 47°08'18" N., Long. 122°28'30" W. |
| Southern: | | |
| Fort Rucker, AL: Cairns Army Air Field..... | Lat. 31°16'36" N., Long. 85°42'12" W..... | Lat. 31°16'36" N., Long. 85°42'36" W. |
| Cairns VOR..... | Lat. 31°16'06" N., Long. 85°43'36" W..... | Lat. 31°16'08" N., Long. 85°43'35" W. |
| Montgomery, AL: Maxwell Air Force Base..... | Lat. 32°22'48" N., Long. 86°21'48" W..... | Lat. 32°22'45" N., Long. 86°21'45" W. |
| Cocoa, Patrick Air Force Base, FL: Patrick Air Force Base..... | Lat. 28°14'24" N., Long. 80°36'30" W..... | Lat. 28°14'21" N., Long. 80°36'28" W. |
| Melbourne Regional..... | Lat. 28°06'06" N., Long. 80°38'46" W..... | Lat. 28°06'09" N., Long. 80°38'46" W. |
| Eglin Air Force Base, FL: Eglin Air Force Base..... | Lat. 30°29'12" N., Long. 86°31'36" W..... | Lat. 30°29'12" N., Long. 86°31'34" W. |
| Duke Field..... | Lat. 30°39'06" N., Long. 86°31'24" W..... | Lat. 30°39'06" N., Long. 86°31'23" W. |
| Hurlbert Field..... | Lat. 30°25'44" N., Long. 86°41'20" W..... | Lat. 30°25'43" N., Long. 86°41'20" W. |
| Eglin AF AUX No. 3 Duke Field, FL: Eglin Air Force Base..... | Lat. 30°29'12" N., Long. 86°31'36" W..... | Lat. 30°29'12" N., Long. 86°31'34" W. |
| Duke Field..... | Lat. 30°39'06" N., Long. 86°31'24" W..... | Lat. 30°39'06" N., Long. 86°31'23" W. |
| Eglin, Hurlbert Field, FL: Hurlbert Field..... | Lat. 30°25'44" N., Long. 86°41'20" W..... | Lat. 30°25'43" N., Long. 86°41'20" W. |
| Eglin Air Force Base..... | Lat. 30°29'12" N., Long. 86°31'36" W..... | Lat. 30°29'12" N., Long. 86°31'34" W. |
| Homestead, FL: Homestead Air Force Base..... | Lat. 25°29'15" N., Long. 80°23'00" W..... | Lat. 25°29'17" N., Long. 80°23'02" W. |
| Jacksonville, Craig Municipal Airport, FL: Mayport Naval Air Station..... | Lat. 30°23'30" N., Long. 81°25'24" W..... | Lat. 30°23'30" N., Long. 81°25'26" W. |
| Jacksonville, Naval Air Station, FL: Jacksonville Naval Air Station..... | Lat. 30°14'06" N., Long. 81°40'30" W..... | Lat. 30°14'04" N., Long. 81°40'36" W. |

| FAA Region | Proposed geographic position | Revised geographic position |
|---|--|--|
| MacDill Air Force Base, FL: MacDill Air Force Base | Lat. 27°51'00" N., Long. 82°31'18" W. | Lat. 27°50'56" N., Long. 82°31'18" W. |
| Mayport, Naval Air Station, Mayport, FL: Mayport Naval Air Station | Lat. 30°23'30" N., Long. 81°25'24" W. | Lat. 30°23'30" N., Long. 81°25'26" W. |
| Pompano Beach, FL: Pompano Beach VOR | Lat. 26°14'51" N., Long. 80°06'31" W. | Lat. 26°14'52" N., Long. 80°06'31" W. |
| Sanford, FL: Central Florida Regional Airport | Lat. 28°46'43" N., Long. 81°14'17" W. | Lat. 28°46'43" N., Long. 81°14'19" W. |
| Atlanta, Fulton County Airport-Brown Field, GA: Dobbins Air Force Base | Lat. 33°54'54" N., Long. 84°31'00" W. | Lat. 33°54'55" N., Long. 84°30'59" W. |
| Savannah, Hunter Army Air Field, GA: Hunter Army Air Field | Lat. 32°00'36" N., Long. 81°08'48" W. | Lat. 32°00'34" N., Long. 81°08'45" W. |
| Valdosta, Moody Air Force Base, GA: Moody Air Force Base | Lat. 30°58'06" N., Long. 83°11'36" W. | Lat. 30°58'06" N., Long. 83°11'35" W. |
| Fort Campbell, KY: Campbell Army Air Field | Lat. 36°40'18" N., Long. 87°29'36" W. | Lat. 36°40'22" N., Long. 87°29'30" W. |
| Fort Knox, KY: Godman Army Air Field | Lat. 37°54'24" N., Long. 85°58'24" W. | Lat. 37°54'24" N., Long. 85°58'23" W. |
| Biloxi, Keesler Air Force Base, MS: Keesler Air Force Base | Lat. 30°24'42" N., Long. 88°55'24" W. | Lat. 30°24'40" N., Long. 88°55'25" W. |
| Cherry Point Marine Corps Air Station, NC: Cherry Point Marine Corps Air Station | Lat. 34°54'12" N., Long. 76°52'54" W. | Lat. 34°43'09" N., Long. 76°52'53" W. |
| Goldsboro, NC: Seymour Johnson Air Force Base | Lat. 35°20'24" N., Long. 77°57'36" W. | Lat. 35°20'23" N., Long. 77°57'36" W. |
| Jacksonville, New River Marine Corps Air Station, NC: Jacksonville, New River Marine Corps Air Station | Lat. 34°42'30" N., Long. 77°26'30" W. | Lat. 34°42'38" N., Long. 77°26'22" W. |
| New River TACAN | Lat. 34°42'24" N., Long. 77°26'24" W. | Lat. 34°42'25" N., Long. 77°26'26" W. |
| Mackall Army Air Field, NC: Mackall Army Air Field | Lat. 35°02'12" N., Long. 79°29'54" W. | Lat. 35°02'11" N., Long. 79°29'52" W. |
| Mackall NDB | Lat. 35°01'42" N., Long. 79°29'12" W. | Lat. 35°01'40" N., Long. 79°29'09" W. |
| Oak Grove, NC: Oak Grove HOLF | Lat. 35°01'15" N., Long. 77°15'12" W. | Lat. 35°02'00" N., Long. 77°15'00" W. |
| Simmons Army Air Field, NC: Simmons Army Air Field | Lat. 35°07'54" N., Long. 78°56'06" W. | Lat. 35°07'54" N., Long. 78°56'13" W. |
| Simmons VOR | Lat. 35°08'00" N., Long. 78°56'00" W. | Lat. 35°07'58" N., Long. 78°56'01" W. |
| Roosevelt Roads, PR: Roosevelt Roads NS | Lat. 18°15'05" N., Long. 65°38'35" W. | Lat. 18°15'00" N., Long. 65°38'00" W. |
| Beaufort, SC: Beaufort Marine Corps Air Station | Lat. 32°28'36" N., Long. 80°43'24" W. | Lat. 32°28'36" N., Long. 80°43'24" W. |
| Eastover, SC: McEntire Air National Guard Base | Lat. 33°55'06" N., Long. 80°48'00" W. | Lat. 33°55'05" N., Long. 80°48'00" W. |
| Memphis, Naval Air Station, TN: Memphis Naval Air Station | Lat. 35°21'18" N., Long. 89°52'06" W. | Lat. 35°21'19" N., Long. 89°52'08" W. |
| Southwest | | |
| Little Rock, Air Force Base, AR: Jacksonville ILS Localizer | Lat. 34°54'36" N., Long. 92°09'27" W. | Lat. 34°54'36" N., Long. 92°10'12" W. |
| Alexandria, England Air Force Base, LA: England Air Force Base | Lat. 31°19'38" N., Long. 92°32'53" W. | Lat. 31°19'27" N., Long. 92°32'49" W. |
| New Orleans Naval Air Station, LA: New Orleans Naval Air Station Alvin Callender Field | Lat. 29°49'33" N., Long. 90°01'32" W. | Lat. 29°49'30" N., Long. 90°02'06" W. |
| Alamogordo, NM: Holloman Air Force Base | Lat. 32°51'00" N., Long. 106°06'25" W. | Lat. 32°51'05" N., Long. 106°06'06" W. |
| Holloman Localizer | Lat. 32°50'36" N., Long. 106°06'11" W. | Lat. 32°49'48" N., Long. 106°06'29" W. |
| Midway Airport | Lat. 32°52'04" N., Long. 105°59'26" W. | Lat. 32°52'00" N., Long. 106°00'00" W. |
| Altus, OK: Altus Air Force Base | Lat. 34°39'50" N., Long. 99°16'24" W. | Lat. 34°39'50" N., Long. 99°16'25" W. |
| Enid, Vance Air Force Base, OK: Vance VORTAC | Lat. 36°20'42" N., Long. 96°55'05" W. | Lat. 36°20'44" N., Long. 97°55'07" W. |
| Beeville, TX: Chase Field Naval Air Station | Lat. 28°21'55" N., Long. 97°39'16" W. | Lat. 28°21'33" N., Long. 97°39'38" W. |
| Chase TACAN | Lat. 28°21'24" N., Long. 97°39'48" W. | Lat. 28°21'23" N., Long. 97°39'46" W. |
| Corpus Christi Naval Air Station, TX: Corpus Christi Naval Air Station | Lat. 27°41'35" N., Long. 97°17'26" W. | Lat. 27°42'00" N., Long. 97°17'00" W. |
| Trux VORTAC | Lat. 27°41'09" N., Long. 97°17'41" W. | Lat. 27°41'09" N., Long. 97°17'40" W. |
| Dallas, Naval Air Station, TX: Grand Prairie Municipal Airport | Lat. 32°41'54" N., Long. 96°52'02" W. | Lat. 32°41'54" N., Long. 97°02'47" W. |
| Dallas Naval Air Station/Hensley Field | Lat. 32°44'01" N., Long. 96°58'08" W. | Lat. 32°44'04" N., Long. 96°58'02" W. |
| Dallas, Redbird Airport, TX: Redbird Airport | Lat. 32°40'49" N., Long. 96°52'02" W. | Lat. 32°40'51" N., Long. 96°52'05" W. |
| Kingsville, TX: Kingsville Naval Air Station | Lat. 27°30'15" N., Long. 97°48'29" W. | Lat. 27°30'25" N., Long. 97°48'34" W. |
| Lubbock, Reese Air Force Base, TX: Lubbock Reese Air Force Base | Lat. 33°35'55" N., Long. 102°02'35" W. | Lat. 33°35'47" N., Long. 102°02'31" W. |
| San Antonio, Kelly Air Force Base, TX: San Antonio Kelly Air Force Base | Lat. 29°23'02" N., Long. 98°34'51" W. | Lat. 29°22'48" N., Long. 98°35'02" W. |
| San Antonio, Randolph Air Force Base, TX: Randolph Air Force Base | Lat. 29°31'43" N., Long. 98°16'40" W. | Lat. 29°31'46" N., Long. 98°16'43" W. |

| FAA Region | Proposed geographic position | Revised geographic position |
|---|---------------------------------------|--|
| Western-Pacific | | |
| Falcon Field, AZ: | | |
| Falcon Field Mesa | Lat. 33°27'39" N., Long. 111°43'40" W | Lat. 33°27'39" N., Long. 111°43'39" W. |
| Phoenix, Luke Air Force Base, AZ: | | |
| Luke Air Force Base TACAN | Lat. 33°32'42" N., Long. 112°22'54" W | Lat. 33°32'41" N., Long. 112°22'52" W. |
| Alameda Naval Air Station, CA: | | |
| Alameda Naval Air Station (Nimitz Field) | Lat. 37°47'21" N., Long. 122°19'10" W | Lat. 37°47'26" N., Long. 122°19'28" W. |
| China Lake Naval Air Facility, CA: | | |
| China Lake NWC | Lat. 35°41'18" N., Long. 117°41'24" W | Lat. 35°41'16" N., Long. 117°41'23" W. |
| Crows Landing Naval Auxiliary Landing Facility, CA: | | |
| Crows Landing NALF | Lat. 37°24'30" N., Long. 121°06'30" W | Lat. 37°24'29" N., Long. 121°06'30" W. |
| Edwards Air Force Base, CA: | | |
| Edwards Air Force Base | Lat. 34°54'20" N., Long. 117°52'58" W | Lat. 34°54'18" N., Long. 117°52'58" W. |
| Imperial Beach Naval Outlying Landing Facility, CA: | | |
| Imperial Beach Naval Outlying Landing Facility TACAN | Lat. 32°33'54" N., Long. 117°06'30" W | Lat. 32°33'51" N., Long. 117°06'32" W. |
| Lompoc, Vandenberg Air Force Base, CA: | | |
| Lompoc, Vandenberg Air Force Base | Lat. 34°44'14" N., Long. 120°35'00" W | Lat. 34°43'47" N., Long. 120°34'33" W. |
| Vandenberg TACAN | Lat. 34°44'00" N., Long. 120°34'54" W | Lat. 34°43'57" N., Long. 120°34'55" W. |
| Los Alamitos, Army Air Field, CA: | | |
| Los Alamitos Army Air Field | Lat. 33°27'24" N., Long. 118°03'00" W | Lat. 33°47'24" N., Long. 118°03'04" W. |
| Miramar Naval Air Station, CA: | | |
| Miramar, Naval Air Station (Mitscher Field) | Lat. 32°52'09" N., Long. 117°08'37" W | Lat. 32°52'08" N., Long. 117°08'30" W. |
| Mountain View, CA: | | |
| Moffett Field Naval Air Station | Lat. 37°24'54" N., Long. 122°02'55" W | Lat. 37°24'55" N., Long. 122°02'50" W. |
| Oxnard, Ventura, CA: | | |
| Point Mugu Naval Air Station | Lat. 34°07'09" N., Long. 119°07'03" W | Lat. 34°07'13" N., Long. 119°07'12" W. |
| Sacramento, Executive Airport, CA: | | |
| Mather Air Force Base | Lat. 38°32'53" N., Long. 121°18'23" W | Lat. 38°33'23" N., Long. 121°17'44" W. |
| San Clemente Island, CA: | | |
| San Clemente Island Naval Auxiliary Landing Facility | Lat. 33°01'22" N., Long. 118°35'15" W | Lat. 33°01'24" N., Long. 118°35'14" W. |
| San Clemente Island TACAN | Lat. 33°01'36" N., Long. 118°34'42" W | Lat. 33°01'37" N., Long. 118°34'43" W. |
| San Diego, San Diego-Gillespie Field, CA: | | |
| Miramar Naval Air Station | Lat. 32°52'04" N., Long. 117°08'27" W | Lat. 32°52'09" N., Long. 117°08'37" W. |
| San Diego, North Island Naval Air Station, CA: | | |
| North Island TACAN | Lat. 32°42'12" N., Long. 117°12'54" W | Lat. 32°42'09" N., Long. 117°12'55" W. |
| San Nicolas Island Naval Outlying Field, CA: | | |
| San Nicolas Island Naval Outlying Field | Lat. 33°14'23" N., Long. 119°27'27" W | Lat. 33°14'23" N., Long. 119°27'26" W. |
| Tustin Marine Corps Air Station, CA: | | |
| Tustin Marine Corps Air Station | Lat. 33°42'24" N., Long. 117°49'36" W | Lat. 33°42'22" N., Long. 117°49'35" W. |
| El Toro Marine Corps Air Station | Lat. 33°40'23" N., Long. 117°43'50" W | Lat. 33°40'03" N., Long. 117°43'06" W. |
| Twentynine Palms, Expeditionary Air Field, CA: | | |
| Twentynine Palms, Expeditionary Air Field Marine Corps Base | Lat. 34°17'48" N., Long. 116°09'42" W | Lat. 34°17'00" N., Long. 116°10'00" W. |
| Victorville, George Air Force Base, CA: | | |
| George Air Force Base | Lat. 34°35'36" N., Long. 117°23'43" W | Lat. 34°35'03" N., Long. 117°23'00" W. |
| Guam Island, Agana Naval Air Station, GU: | | |
| Agana Naval Air Station | Lat. 13°29'00" N., Long. 144°47'42" E | Lat. 13°28'54" N., Long. 144°47'36" E. |
| Anderson TACAN | Lat. 13°35'24" N., Long. 144°56'42" E | Lat. 13°35'23" N., Long. 144°56'39" E. |
| Nimitz VORTAC | Lat. 13°27'18" N., Long. 144°43'59" E | Lat. 13°27'11" N., Long. 144°43'51" E. |
| Guam Island, Anderson Air Force Base, GU: | | |
| Anderson Air Force Base | Lat. 13°35'18" N., Long. 144°55'30" E | Lat. 13°34'52" N., Long. 144°55'28" E. |
| Agana Naval Air Station | Lat. 13°29'00" N., Long. 144°47'42" E | Lat. 13°28'54" N., Long. 144°47'36" E. |
| Kaneohe Marine Corps Air Station, HI: | | |
| Marine Corps Air Station | Lat. 21°27'13" N., Long. 157°46'15" W | Lat. 21°27'17" N., Long. 157°46'20" W. |
| Lihue, HI: | | |
| Lihue Airport | Lat. 21°58'45" N., Long. 159°20'29" W | Lat. 21°58'45" N., Long. 159°20'30" W. |
| Pohakuloa, Bradshaw Army Air Field, HI: | | |
| Bradshaw Army Air Field | Lat. 19°45'47" N., Long. 155°33'24" W | Lat. 19°45'49" N., Long. 155°33'23" W. |
| Fallon Naval Air Station, NV: | | |
| Fallon Naval Air Station (Van Voorhis Field) | Lat. 39°24'59" N., Long. 118°41'57" W | Lat. 39°25'00" N., Long. 118°42'00" W. |

As stated in NPRM Number 92-5, the FAA reviewed all control zones that will become Class D airspace to identify those with a minimum of one arrival extension more than 2 miles from the airspace necessary for aircraft operating under IFR to depart within controlled airspace. During this review, the FAA found some of these areas are designed in complex shapes and cannot be separated. These complex shapes result from adjoining airspace areas or occur

because the control zone only includes that airspace necessary to contain intended terminal operations under IFR. The FAA has attempted to ensure that any airspace that could be designated as Class E airspace is so designated.

The FAA will amend subpart D of FAA Order 7400.9, which is effective September 16, 1993, by establishing that portion, which is necessary for aircraft operating under IFR to depart within controlled airspace, of the airspace

areas listed below as Class D airspace areas. The FAA will amend subpart E of FAA Order 7400.9, which is effective September 16, 1993, by establishing the airspace that extends beyond the area necessary for departures as Class E airspace areas.

| Name | State |
|---------------------|-------|
| FAA Region: Alaskan | |
| Adak | AK |

| Name | State | Name | State | Name | State |
|--|-------|--|-------|--|-------|
| Bethel | AK | Grand Forks, Grand Forks International Airport | ND | Gulfport | MI |
| Fairbanks, Eielson Air Force Base | AK | Minot, Minot International Airport | ND | Meridian, Key Field | MI |
| Fairbanks, Fairbanks International Airport | AK | Cleveland, Burke Lakefront | OH | Meridian, Naval Air Station | MI |
| Fairbanks, Wainwright Army Air Field | AK | Cleveland, Cuyahoga County Airport | OH | Elizabeth City | NC |
| Juneau | AK | Columbus, Ohio State University | OH | Jacksonville, New River Marine Corps Air Station | NC |
| Kenai | AK | Springfield | OH | Mackall Army Air Field | NC |
| King Salmon | AK | Willoughby | OH | Simmons Army Air Field | NC |
| Kodiak | AK | Sault Sainte Marie | ON | Florence | SC |
| FAA Region: Central | | Rapid City, Regional Airport | SD | North Myrtle Beach | SC |
| Dubuque | IA | Oshkosh | WI | Tri-City | TN |
| Sioux City | IA | Waukesha | WI | FAA Region: Southwest | |
| Waterloo | IA | FAA Region: New England | | Houma | LA |
| Fort Riley | KS | Hartford | CT | Altus | OK |
| Manhattan | KS | Bangor | ME | Ardmore | OK |
| Olathe, Johnson County Executive Airport | KS | Brunswick | MA | Enid, Vance Air Force Base | OK |
| Salina | KS | Limestone | MA | Enid, Woodring Municipal Airport | OK |
| Topeka, Forbes Field | KS | Beverly | MA | Corpus Christi Naval Air Station | TX |
| Topeka, Phillip Billard Airport | KS | Falmouth | MA | McAllen | TX |
| Wichita, McConnell Air Force Base | KS | Fort Devens | MA | FAA Region: Western-Pacific | |
| Cape Girardeau | MO | Martha's Vineyard | MA | Flagstaff | AZ |
| Fort Leonard Wood | MO | South Weymouth | MA | Fort Huachuca | AZ |
| Jefferson City | MO | Lebanon | NH | Grand Canyon | AZ |
| Kansas City, Downtown Airport | MO | Nashua | NH | Tucson, Ryan Field | AZ |
| Kansas City, Richard-Gebaur Airport | MO | Portsmouth | NH | Yuma | AZ |
| Saint Joseph | MO | FAA Region: Northwest Mountain | | Camarillo | CA |
| Springfield | MO | Aspen | CO | Camp Pendleton | CA |
| Grand Island | NE | Denver, Centennial Airport | CO | Carlsbad, McClellan, Palomar | CA |
| FAA Region: Eastern | | Grand Junction | CO | Chico | CA |
| Dover | DE | Pueblo | CO | Crows Landing Naval Air Facility | CA |
| Aberdeen | MD | Coeur D'Alene | ID | Fairfield, Travis Air Force Base | CA |
| Baltimore, Glenn Martin State | MD | Idaho Falls | ID | Lancaster | CA |
| Hagerstown | MD | Lewiston | ID | LeMoore Naval Air Station | CA |
| Patuxent River | MD | Mountain Home | ID | Lompac | CA |
| Caldwell | NJ | Pocatello | ID | Los Angeles, Hawthorne Municipal Airport | CA |
| Lakehurst | NJ | Twin Falls | ID | Miramar Naval Air Station | CA |
| Wrightstown, McGuire Air Force Base | NJ | Great Falls, International Airport | MT | Modesto City | CA |
| Binghamton | NY | Great Falls, Malmstrom Air Force Base | MT | Mountain View, Moffett Field | CA |
| Elmira | NY | Missoula | MT | Oxnard/Ventura | CA |
| Ithaca | NY | Eugene | OR | Palm Springs | CA |
| Pittsburgh | NY | Klamath Falls | OR | Palmdale | CA |
| Poughkeepsie | NY | Medford | OR | Point Mugu Naval Air Station | CA |
| Rome | NY | Portland, Hillsboro | OR | Redding | CA |
| Schenectady | NY | Salem | OR | Riverside, Riverside Municipal Airport | CA |
| Utica | NY | Bellingham | WA | Salinas | CA |
| Beaver Falls | PA | Everett | WA | San Clemente Island | CA |
| Erie | PA | Moses Lake | WA | San Diego, Montgomery Field | CA |
| Fort Indiantown Gap | PA | Olympia | WA | San Diego, North Island Naval Air Station | CA |
| Harrisburg, Capital City Airport | PA | Pasco | WA | San Luis Obispo | CA |
| Johnstown | PA | Tacoma, Narrows Airport | WA | San Nicholas Island | CA |
| Lancaster | PA | Walla Walla | WA | Torrance | CA |
| Latrobe | PA | Yakima | WA | Twentynine Palms Expeditionary Air Field | CA |
| Reading | PA | Casper | WY | Van Nuys | CA |
| Wilkes-Barre | PA | Gillette | WY | Guam Island, Agana Naval Air Station | GU |
| Williamsport | PA | FAA Region: Southern | | Guam Island, Anderson Air Force Base | GU |
| Willow Grove | PA | Dothan | AL | Barbers Point Naval Air Station | HI |
| Charlottesville | VA | Fort Rucker | AL | Hilo International Airport, General Lyman Field | HI |
| Fort Eustis | VA | Mobile, Downtown Airport | AL | Lihue | HI |
| Lynchburg | VA | Troy | AL | Kailua-Kona | HI |
| Oceana Naval Air Station | VA | Fort Pierce | FL | Molokai | HI |
| Quantico | VA | Gainesville | FL | Kwajalein Island | MQ |
| Clarksburg | WV | Jupiter | FL | Fallon Naval Air Station | NV |
| Lewisburg | WV | Key West | FL | | |
| FAA Region: Great Lakes | | Lakeland | FL | | |
| Alton | IL | Mayport | FL | | |
| Bellefonte | IL | Melbourne | FL | | |
| Chicago, Aurora Municipal Airport | IL | Naples | FL | | |
| Marion | IL | Panama City | FL | | |
| Bloomington | IN | Sanford | FL | | |
| Muncie | IN | Vero Beach | FL | | |
| Terre Haute | IN | Albany, Southwest Georgia Regional Airport | GA | | |
| Alpena | MI | Atlanta, Dobbins Air Force Base | GA | | |
| Battle Creek, W.K. Kellogg Airport | MI | Columbus, Lawson Army Air Field | GA | | |
| Jackson | MI | Valdosta, Regional Airport | GA | | |
| Kalamazoo/Battle Creek International Airport | MI | Fort Campbell | KY | | |
| Muskegon | MI | Fort Knox | KY | | |
| Duluth, Duluth International Airport | MN | Louisville, Bowman Field | KY | | |
| Rochester | MN | Owensboro | KY | | |
| Fargo | ND | Biloxi, Kessler Air Force Base | MI | | |
| | | Greenville | MI | | |
| | | Greenwood | MI | | |

Control Zones for Airports Without Operating Control Towers

The FAA proposed in NPRM Number 92-5 to modify control zones for airports without operating control towers. These proposed modifications included: (1) Converting the lateral unit of measurement from statute miles to nautical miles; (2) redesignating the control zones to contain intended

operations under IFR; (3) redesignating the ceiling to extend upward from the surface of the earth to an overlying or adjacent controlled airspace (e.g., a transition area); and (4) replacing departure extensions with transition areas. No comments were received on this proposal.

With the exception of the modifications listed below, the FAA will adopt the proposal to modify the following control zones, which are contained in section 171 of FAA Handbook 7400.7. The FAA also adopts the proposal to amend the corresponding airspace descriptions of Class E airspace areas in Subpart E of FAA Order 7400.9, which become effective September 16, 1993.

FAA Region: Alaskan

Bettles, AK
Cordova, Smith Airport, AK
Deadhorse, AK
Gulkana, AK
Iliamna, AK
Sitka, AK
Unalakleet, AK

FAA Region: Central

Burlington, IA
Clinton, IA
Davenport, IA
Fort Dodge, IA
Mason City, IA
Ottumwa, IA
Chanute, KS
Dodge City, KS
Emporia, KS
Garden City, KS
Goodland, KS
Liberal, KS
Kirksville, MO
Rolla/Vichy, Rolla National Airport, MO
Alliance, NE
Chadron, NE
Columbus, NE
Hastings, NE
Kearney, NE
McCook, NE
Norfolk, NE
North Platte, NE
Sidney, NE

FAA Region: Eastern

Salisbury, MD
Millville, NJ
Glens Falls, NY
Jamestown, NY
Massena, NY
Watertown, NY
Altoona, PA
Bradford, PA
Franklin, PA
Philipsburg, PA
State College, PA
Danville, VA
Hot Springs, VA
Staunton, VA

Beckley, WV
Bluefield, WV
Elkins, WV

FAA Region: Great Lakes

Danville, IL
Mount Vernon, IL
Benton Harbor, MI
Escanaba, MI
Hancock, MI
Iron Mountain, MI
Marquette, MI
Pellston, MI
Sault Sainte Marie, Chippewa County Airport, MI
Bemidji, MN
Fairmont, MN
Hibbing, MN
Mankato, MN
Worthington, MN
Devils Lake, ND
Dickinson, ND
Jamestown, ND
Akron, Fulton International Airport, OH
Findlay, OH
Aberdeen, SD
Brookings, SD
Huron, SD
Mitchell, SD
Pierre, SD
Watertown, SD
Eau Claire, WI
Mosinee, WI
Rhineland, WI
Wausau, WI

FAA Region: New England

Augusta, ME
Houlton, ME
Concord, NH

FAA Region: Northwest Mountain

Cortez, CO
Durango, CO
Hayden, CO
Montrose, CO
Burley, ID
Bozeman, MT
Coppertown, MT
Cutbank, MT
Glasgow, MT
Havre, MT
Kalispell, MT
Lewistown, MT
Livingston, MT
Miles City, MT
Astoria, OR
Baker, OR
Redmond, OR
Cedar City, UT
Provo, UT
Vernal, UT
Ephrata, WA
Hoquiam, WA
Oak Harbor, WA
Port Angeles, WA
Pullman, WA
Wenatchee, WA
Cody, WY

Laramie, WY
Rawlins, WY
Riverton, WY
Rock Springs, WY

FAA Region: Southern

Anniston, AL
Muscle Shoals, AL
Miami, Dade-Collier Training and Transition Airport, FL
Tampa, Peter O'Knight Airport, FL
Alma, GA
Athens, GA
Brunswick, Glynnco Jetport, GA
Brunswick, Malcolm/McKinnon Airport, GA
London, KY
Hattiesburg, MS
Jackson, Bruce Campbell Field, MS
McComb, MS
Tupelo, MS
Hickory, NC
Jacksonville, Albert J. Ellis, NC
New Bern, NC
Rocky Mount, NC
Aguadilla, PR
Ponce, PR
Anderson, SC
Spartanburg, SC
Crossville, TN
Dyersburg, TN
Jackson, TN

FAA Region: Southwest

El Dorado, AR
Harrison, AR
Hot Springs, AR
Jonesboro, AR
Pine Bluff, AR
Carlsbad, NM
Deming, NM
Gallup, NM
Las Vegas, NM
Tucumcari, NM
Bartlesville, OK
Gage, OK
Hobart, OK
McAlester, OK
Ponca City, OK
Alice, TX
Childress, TX
Dalhart, TX
Galveston, TX
Lufkin, TX
Mineral Wells, TX
Palacios, TX
Victoria, TX
Wink, TX

FAA Region: Western-Pacific

Douglas, AZ
Winslow, AZ
Arcata, CA
Blythe, CA
Crescent City, CA
Marysville, Yuba County, CA
Merced, Macready Field, CA
Needles, CA

Paso Robles County, CA
Thermal, CA
Kapalua, West Maui Airport, HI
Lanai, HI
Waimea Kohala, HI
Tonopah, NV

The airspace areas listed below have been amended by separate rulemaking since the review of control zones by the FAA regions and these amendments were not proposed in NPRM Number 92-5. The FAA adopts as proposed the control zones listed below, with minor modifications and technical corrections. Because this action does not change the boundaries and configuration of controlled airspace, with respect to these areas it is insignificant in nature and impact and inconsequential to the industry and public. Therefore, notice and public procedure under 5 U.S.C. 533(b) are unnecessary.

FAA Region: Central

Hayes, KS: The airspace description for this area, which was established by Airspace Docket Number 92-ACE-02, is added to this final rule.

FAA Region: Northwest Mountain

Jackson Hole, WY: The airspace description for this area, which was established by Airspace Docket Number 92-ANM-7, is added to this final rule.

Sheridan, WY: The airspace description for this area is revised according to Airspace Docket Number 92-ANM-4.

Worland, WY: The airspace description for this area is revised according to Airspace Docket Number 92-ANM-5.

FAA Region: Southern

Greenville, NC: The airspace description for this area, which was established by Airspace Docket Number 92-ASO-05, is added to the final rule.

FAA Region: Western-Pacific

Red Bluff, CA: The airspace description for this area is revised according to Airspace Docket Number 91-AWP-5.

Revisions to proposed airspace areas by including technical corrections and airspace changes:

FAA Region: Alaskan

Amchitka Island, AK: The airspace description is revised to delete unnecessary language.

Barrow, Barrow/Wiley Post-Will Rogers Memorial Airport, AK: The airspace description is revised by including editorial modifications.

Cold Bay, AK: The airspace description is revised to delete unnecessary language.

Dillingham, AK: The airspace description is revised by including editorial modifications.

Homer, AK: The airspace description is revised to delete unnecessary language.

Kotzebue, AK: The airspace description is revised by replacing references to the "Kotzebue/Ralph Wien Memorial Airport" with "Ralph Wien Memorial Airport" and by including editorial modifications.

McGrath, AK: The airspace description is revised by including editorial modifications.

Nome, AK: The airspace description is revised to delete unnecessary language.

Northway, AK: The airspace description is revised by adding the geographic position of the Northway VORTAC and by including editorial modifications.

Talkeetna, AK: The airspace description is revised by replacing references to the "Talkeetna VOR" with the "Talkeetna VOR/DME" and by including editorial modifications.

Tanana, AK: The airspace description is revised by changing the name of the "Tanana/Ralph M. Calhoun Memorial Airport" with the "Ralph M. Calhoun Memorial Airport."

Yakutat, AK: The airspace description is revised by including editorial modifications.

FAA Region: Eastern

Du Bois, PA: The airspace description is revised by changing the width of the northeast arrival extension from 5.4 miles to 5.2 miles.

FAA Region: Great Lakes

Galesburg, IL: The airspace description is revised by replacing all references to the "Galesburg VOR" with the "Galesburg VOR/DME."

Brainerd, MN: The airspace description is revised by changing the name of "Brainerd-Crow Wing County/Walter F. Wieland Field" to "Brainerd-Crow Wing County Airport."

Grand Rapids, MN: The airspace description is revised by changing the name of "Grand Rapids, Itasca County-Gordon Newstrom Field" to "Grand Rapids/Itasca County Gordon Newstrom Field Airport."

International Falls, MN: The airspace description is revised by changing the name of "International Falls Airport" to "Falls International Airport."

Williston, ND: The airspace description is revised by changing the name of "Sloulin International Airport" to "Sloulin Field International Airport."

Wilmington, OH: The airspace description is revised by replacing all references to the "Midwest VOR" to the

"Midwest VOR/DME" and by adding an extension based on the 041° radial of the Midwest VOR/DME.

Yankton, SD: The airspace description is revised by replacing all references from "Yankton VOR" to "Yankton VOR/DME."

Minocqua-Woodruff, WI: The airspace description is revised by changing the name of "Noble F. Lee Memorial Field Airport" to "Lakeland/Noble F. Lee Memorial Field Airport."

FAA Region: New England

Presque Isle, ME: The airspace description is revised by changing the name of "Northern Maine Regional" to the "Northern Maine Regional Airport at Presque Isle."

Montpelier, VT: The airspace description is revised by updating an airport name from "Montpelier, Edward F. Knapp State Airport" to the "Barre-Montpelier, Edward F. Knapp State Airport."

FAA Region: Northwest Mountain

Montrose, CO: The airspace description is revised by changing the name of "Montrose County Airport" to "Montrose Regional Airport."

Trinidad, CO: The airspace description is revised by changing the name of "Las Animas County Airport" to "Perry Stokes Airport."

Newport, OR: The airspace description is not revised. The control zone will become Class E airspace on September 16, 1993, not Class D airspace as identified in NPRM No. 92-5.

North Bend, OR: The airspace description is revised by replacing all references to the "Emire LOM" with the "Emire LOM/NDB."

FAA Region: Southern

Bowling Green, KY: The airspace description is revised by changing the name of "Bowling Green-Warren County Airport" to "Bowling Green-Warren County Regional Airport."

Mayaguez, PR: The airspace description is revised by replacing all references to the "Mayaguez VOR" with the "Mayaguez VOR/DME."

FAA Region: Southwest

Tempe, TX: The airspace description is revised by replacing all references to the "Tempe VOR" with the "Tempe VOR/DME" and by eliminating the proposed extension from the Temple ILS localizer.

FAA Region: Western-Pacific

El Centro, Imperial County Airport, CA: The airspace description is revised by deleting the reference to a ceiling.

This control zone will become Class E airspace on September 16, 1993, and will extend upward from the surface to the overlying or adjacent controlled airspace.

Visalia, CA: The airspace description is revised by deleting an exclusion for the Green Acres Airport. The airport no longer exists.

Midway Island, Midway Naval Air Facility, MO: The airspace description is revised by eliminating the proposed arrival extension based on the Midway Island NDB, which is decommissioned.

Elko, NV: The airspace description is revised by changing the name of "Elko Municipal Airport" to "Elko Municipal-J.C. Harris Field."

Revisions to proposed airspace areas by updating a geographic position:

| FAA Region | Proposed geographic position | Revised geographic position |
|--|--|--|
| Name and Airport or facility | | |
| Alaskan | | |
| Amchitka | | |
| Amchitka Island, AK: | | |
| Amchitka Island Airport | Lat. 51°22'43" N., Long. 179°15'32" E. | Lat. 51°22'48" N., Long. 179°16'24" E. |
| Amchitka VORTAC | Lat. 51°23'02" N., Long. 179°17'02" E. | Lat. 51°22'37" N., Long. 179°16'37" E. |
| Barrow, AK: | | |
| Barrow/Wiley Post-Will Rogers Memorial Airport | Lat. 71°17'09" N., Long. 156°47'25" W. | Lat. 71°17'09" N., Long. 156°45'45" W. |
| Big Delta, AK: | | |
| Allan Army Air Field Airport | Lat. 63°59'42" N., Long. 145°43'05" W. | Lat. 63°59'07" N., Long. 145°43'01" W. |
| Dillingham, AK: | | |
| Dillingham VOR/DME | Lat. 58°59'42" N., Long. 158°33'02" W. | Lat. 58°59'42" N., Long. 158°33'00" W. |
| Central | | |
| Scottsbluff, NE: | | |
| Scottsbluff, William B. Heilig Field | Lat. 41°52'34" N., Long. 103°35'53" W. | Lat. 41°52'27" N., Long. 103°35'43" W. |
| Great Lakes | | |
| Alexandria, MN: | | |
| Alexandria, Chandler Field | Lat. 45°51'59" N., Long. 95°23'35" W. | Lat. 45°51'59" N., Long. 95°23'40" W. |
| Redwood Falls, MN: | | |
| Redwood Falls Municipal Airport | Lat. 44°32'45" N., Long. 95°04'50" W. | Lat. 44°32'50" N., Long. 95°04'55" W. |

| FAA Region | Proposed geographic position | Revised geographic position |
|---|--|--|
| Thief River Falls, MN: | | |
| Thief River Falls Regional | Lat. 48°03'53" N., Long. 96°11'01" W. | Lat. 48°03'56" N., Long. 96°10'59" W. |
| Zanesville, OH: | | |
| Riverside Airport | Lat. 39°59'10" N., Long. 81°59'00" W. | Lat. 39°59'10" N., Long. 81°59'02" W. |
| Lone Rock, WI: Tri-County Regional Airport | | |
| | Lat. 43°12'36" N., Long. 90°11'06" W. | Lat. 43°12'41" N., Long. 90°10'54" W. |
| Northwest Mountain | | |
| Akron, CO: | | |
| Akron-Washington County Airport | Lat. 40°10'18" N., Long. 103°12'54" W. | Lat. 40°10'32" N., Long. 103°13'18" W. |
| Alamosa, CO: | | |
| San Luis Valley Regional/Bergman Field | Lat. 37°26'10" N., Long. 105°51'56" W. | Lat. 37°26'06" N., Long. 105°51'59" W. |
| Eagle, CO: | | |
| Eagle County Regional Airport | Lat. 39°38'37" N., Long. 106°54'50" W. | Lat. 39°38'33" N., Long. 106°55'02" W. |
| Burns, OR: | | |
| Wildhorse VOR/DME | Lat. 43°35'36" N., Long. 118°57'15" W. | Lat. 43°35'36" N., Long. 118°57'14" W. |
| Bremerton, WA: | | |
| Bremerton National Airport | Lat. 47°29'34" N., Long. 122°45'28" W. | Lat. 47°29'35" N., Long. 122°45'40" W. |
| Southern | | |
| Crestview, FL: | | |
| Duke Field | Lat. 30°39'06" N., Long. 86°31'24" W. | Lat. 30°39'06" N., Long. 86°31'23" W. |
| Southwestern | | |
| Truth or Consequences, NM: | | |
| Truth or Consequences Municipal Airport | Lat. 33°14'07" N., Long. 107°16'08" W. | Lat. 33°14'10" N., Long. 107°16'13" W. |
| Western-Pacific | | |
| Imperial County, CA: | | |
| El Centro Naval Air Field | Lat. 32°49'32" N., Long. 115°40'28" W. | Lat. 32°49'45" N., Long. 115°40'15" W. |
| Saipan Island, CO: | | |
| Saipan RBN | Lat. 15°06'48" N., Long. 145°42'42" E. | Lat. 15°06'48" N., Long. 145°42'42" E. |

Transition Areas

In NPRM Number 92-5, the FAA proposed to modify transition areas by: (1) Converting the lateral unit of measurement from statute miles to nautical miles; (2) redesignating the areas to contain intended operations under IFR; and (3) replacing control zone departure extensions with transition areas. No comments were received on this proposal.

With the exception of the modifications listed below, the FAA will adopt the proposal to modify the following transition areas. Transition areas are published in Section 71.181 of the FAA Handbook 7400.7. The descriptions of the transition areas listed in this document will be published subsequently in the Handbook 7400.7—Supplement and the corresponding Class E airspace areas in subpart E of FAA Order 7400.9, which becomes effective September 16, 1993.

FAA Region: Alaskan

Annette Island, AK
Anvik, AK
Bettles, AK
Big Lake, AK
Biorka Island, AK
Farewell, AK
Homer, AK
Huslia, AK
Iliamna, AK
Johnstone Point, AK
Kenai, AK
Mekoryuk, AK
Middleton Island, AK
Moses Point, AK
Quinhagak, AK
Sand Point, AK
Selawik, AK
Yakataga, AK

FAA Region: Central

Albia, IA
Algona, IA
Atlantic, IA
Bloomfield, IA
Burlington, IA
Carroll, IA
Cedar Rapids, IA
Centerville, IA
Cherokee, IA
Clarinda, IA
Clarion, IA
Clinton, IA
Corning, IA
Cresco, IA
Creston, IA
Decorah, IA
Denison, IA
Des Moines, IA
Dubuque, IA
Eagle Grove, IA
Emmetsburg, IA
Estherville, IA

| | | |
|------------------|---|----------------------------|
| Fairfield, IA | Liberal, KS | Saint Joseph, MO |
| Forest City, IA | Marysville, KS | Sikeston, MO |
| Fort Dodge, IA | McPherson, KS | Springfield, MO |
| Fort Madison, IA | Meade, KS | Stockton, MO |
| Greenfield, IA | Neodesha, KS | West Plains, MO |
| Grinnell, IA | Newton, KS | Ainsworth, NE |
| Hampton, IA | Norton, KS | Albion, NE |
| Harlan, IA | Oakley, KS | Alliance, NE |
| Iowa, IA | Oberlin, KS | Aurora, NE |
| Iowa City, IA | Olathe, Johnson County Industrial | Bassett, NE |
| Iowa Falls, IA | Airport, KS | Beatrice, NE |
| Jefferson, IA | Ottawa, KS | Broken Bow, NE |
| Keokuk, IA | Parsons, KS | Burwell, NE |
| Knoxville, IA | Phillipsburg, KS | Cambridge, NE |
| Le Mars, IA | Pratt, KS | Chadron, NE |
| Mapleton, IA | Russell, KS | Chappell, NE |
| Maquoketa, IA | Saint Francis, KS | Cozad, NE |
| Mason City, IA | Smith Center, KS | Crete, NE |
| Milford, IA | Topeka, Forbes Airfield, KS | Fairbury, NE |
| Monticello, IA | Ulysses, KS | Fairmont, NE |
| Muscatine, IA | Wellington, KS | Falls City, NE |
| Newton, IA | Winfield/Arkansas City, KS | Fremont, NE |
| Oelwein, IA | Aurora, MO | Gordon, NE |
| Orange City, IA | Cabool, MO | Gothenburg, NE |
| Osceola, IA | Cameron, MO | Grand Island, NE |
| Oskaloosa, IA | Cassville, MO | Grant, NE |
| Ottumwa, IA | Charleston, MO | Hastings, NE |
| Pella, IA | Chesterfield, MO | Hebron, NE |
| Perry, IA | Clinton, MO | Holdrege, NE |
| Pocahontas, IA | Columbia, MO | Imperial, NE |
| Red Oak, IA | Creve Coeur, MO | Kearney, NE |
| Rock Rapids, IA | Cuba, MO | Kimball, NE |
| Sac City, IA | Dexter, MO | Lexington, NE |
| Sheldon, IA | Excelsior Springs, MO | Lincoln, NE |
| Sibley, IA | Farmington, MO | McCook, NE |
| Sioux Center, IA | Festus, MO | Minden, NE |
| Spencer, IA | Fredericktown, MO | Nebraska, NE |
| Storm Lake, IA | Gideon, MO | Norfolk, NE |
| Tipton, IA | Grain Valley, MO | North Platte, NE |
| Waverly, IA | Grandview, MO | O'Neill, NE |
| West Union, IA | Hannibal, MO | Ogallala, NE |
| Winterset, IA | Higginsville, MO | Omaha, Eppley Field, NE |
| Abilene, KS | Jefferson City, MO | Omaha, Millard Airport, NE |
| Anthony, KS | Kaiser, MO | Ord, NE |
| Atchison, KS | Kansas City, Kansas City International | Oshkosh, NE |
| Belleville, KS | Airport, MO | Plattsmouth, NE |
| Beloit, KS | Kansas City, Richards-Gebaur Airport, | Seward, NE |
| Benton, KS | MO | Sidney, NE |
| Chanute, KS | Kennett, MO | Superior, NE |
| Coffeyville, KS | Kirksville, MO | Tekamah, NE |
| Colby, KS | Lake Winnebago, MO | Thedford, NE |
| Concordia, KS | Lamar, MO | Valentine, NE |
| Dodge City, KS | Lebanon, MO | Wahoo, NE |
| El Dorado, KS | Macon-Power, MO | Wayne, NE |
| Emporia, KS | Malden, MO | York, NE |
| Eureka, KS | Marshall, MO | |
| Fort Scott, KS | Missouri, MO | FAA Region: Eastern |
| Garden City, KS | Monett, MO | District of Columbia, DC |
| Great Bend, KS | Mountain Grove, MO | Delaware, DE |
| Harper, KS | Mountain View, MO | Georgetown, DE |
| Hays, KS | Neosho, MO | Cambridge, MD |
| Herington, KS | Nevada, MO | College Park, MD |
| Hutchinson, KS | New Madrid, MO | Cumberland, MD |
| Independence, KS | Ozark, MO | Gaithersburg, MD |
| Iola, KS | Perryville, MO | Hagerstown, MD |
| Johnson, KS | Point Lookout, MO | Leonardtown, MD |
| Kansas, KS | Poplar Bluff, MO | Maryland, MD |
| Kingman, KS | Rolla, Downtown Airport, MO | Oakland, MD |
| Lawrence, KS | Rolla/Vichy, Rolla National Airport, MO | |

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|--|--------------------------|-------------------------|
| Salisbury, MD | Butler, PA | Hot Springs, VA |
| Westminster, Carroll County Airport, MD | Chambersburg, PA | Louisa, VA |
| Andover, NJ | Clarion, PA | Luray, VA |
| Atlantic City, Atlantic City International Airport, NJ | Clearfield, PA | Lynchburg, VA |
| Blairstown, NJ | Coatesville, PA | Marion, VA |
| Linden, NJ | Doylestown, PA | Martinsville, VA |
| Manahawkin, NJ | East Stroudsburg, PA | Melfa, VA |
| Manville, NJ | Ebensburg, PA | Midland, VA |
| Matawan, NJ | Factoryville, PA | Moneta, VA |
| New Jersey, NJ | Farmington, PA | Orange, VA |
| Old Bridge, NJ | Fort Indiantown Gap, PA | Pennington Gap, VA |
| Pitman, NJ | Franklin, PA | Petersburg, VA |
| Pittstown, NJ | Galeton, PA | Portsmouth, VA |
| Princeton, NJ | Greenville, PA | Quinton, VA |
| Readington, NJ | Grove City, PA | Richmond, VA |
| Somerville, NJ | Harrisburg, PA | Roanoke, VA |
| Sussex, NJ | Hershey, PA | South Boston, VA |
| Vincentown, NJ | Honesdale, PA | South Hill, VA |
| West Milford, NJ | Indiana, PA | Staunton, VA |
| Wildwood, NJ | Johnstown, PA | Suffolk, VA |
| Woodbine, NJ | Lancaster, PA | Tangier, VA |
| Albany, NY | Latrobe, PA | Upperville, VA |
| Albion, NY | Leighton, PA | Virginia, VA |
| Batavia, NY | Marietta, PA | Wakefield, VA |
| Buffalo, NY | Meadville, PA | West Point, VA |
| Cortland, NY | Monongahela, PA | Williamsburg, VA |
| Dunkirk, NY | Mount Pocono, PA | Wise, VA |
| Durhamville, NY | New Castle, PA | Beckley, WV |
| East Hampton, NY | North Philadelphia, PA | Bluefield, WV |
| Elmira, NY | Pennsylvania Furnace, PA | Charleston, WV |
| Endicott, NY | Perkasie, PA | Elkins, WV |
| Fort Drum, NY | Philadelphia, PA | Fairmont, WV |
| Fulton, NY | Philipsburg, PA | Martinsburg, WV |
| Glens Falls, NY | Pittsburgh, PA | Milton, WV |
| Hamilton, NY | Pottstown, PA | Moundsville, WV |
| Hornell, NY | Pottsville, PA | Petersburg, WV |
| Hudson, NY | Punxsutawney, PA | Pineville, WV |
| Islip, NY | Quakertown, PA | Point Pleasant, WV |
| Ithaca, NY | Reading, PA | Ravenwood, WV |
| Jamestown, NY | Reedsville, PA | Summersville, WV |
| LeRoy, NY | Saint Marys, PA | West Virginia, WV |
| Massena, NY | Selinsgrove, PA | |
| New York State, NY | Shamokin, PA | FAA Region: Great Lakes |
| Norwich, NY | Somerset, PA | Bloomington, IL |
| Ogdensburg, NY | State College, PA | Cairo, IL |
| Olean, NY | Titusville, PA | Casey, IL |
| Oneonta, NY | Toughkenamon, PA | Champaign-Urbana, IL |
| Palmyra, NY | Washington, PA | Chicago, IL |
| Penn Yan, NY | Wilkes-Barre, PA | Danville, IL |
| Poughkeepsie, NY | Williamsport, PA | Decatur, IL |
| Rochester, NY | York, PA | Galesburg, IL |
| Saranac Lake, NY | Ashland, VA | Illinois City, IL |
| Schenectady, NY | Birch Hollow, VA | Lansing, IL |
| Shirley, NY | Blacksburg, VA | Lincoln, IL |
| Sidney, NY | Brookneal, VA | Macomb, IL |
| Skaneateles, NY | Charlottesville, VA | Mattoon, IL |
| Syracuse, NY | Chase City, VA | Monticello, IL |
| Watertown, NY | Chesterfield, VA | Olney, IL |
| Wellsville, NY | Chincoteague, VA | Peoria, IL |
| Williamson, NY | Culpeper, VA | Pickneyville, IL |
| Wurtsboro, NY | Danville, VA | Robinson, IL |
| Allentown, PA | Dublin, VA | Springfield, IL |
| Altoona, PA | Emporia, VA | Taylorville, IL |
| Annaville, PA | Farmville, VA | Anderson, IN |
| Bedford, PA | Franklin, VA | Angola, IN |
| Bloomsburg, PA | Fredericksburg, VA | Atterbury, IN |
| Bradford, PA | Galax, VA | Auburn, IN |
| | Gloucester, VA | Bloomington, IN |
| | Gordonsville, VA | |

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| Columbus, IN | Kalamazoo/Battle Creek International | Circleville, OH |
| Connersville, IN | Airport, MI | Coshocton, OH |
| Crawfordsville, IN | Lansing, MI | Dayton, Green County Airport, OH |
| Elkhart, IN | Manistee, MI | Defiance, OH |
| Evansville, IN | Marquette, MI | Delaware, OH |
| Frankfort, IN | Menominee, MI | East Liverpool, OH |
| French Lick, IN | Michigan, MI | Elyria, OH |
| Goshen, IN | Pellston, MI | Findlay, OH |
| Greencastle, IN | Roscommon, MI | Fostoria, OH |
| Greenwood, IN | Sault Sainte Marie, Chippewa County | Fremont, OH |
| Huntingburg, IN | Airport, MI | Gallipolis, OH |
| Indiana, IN | Standish, MI | Georgetown, OH |
| Indianapolis, Indianapolis International | Sturgis, MI | Harrison, OH |
| Airport, IN | Traverse City, MI | Hillsboro, OH |
| Jeffersonville, IN | Watersmeet, MI | Jackson, OH |
| Kentland, IN | Aitkin, MN | Kenton, OH |
| Knox, IN | Baudette, MN | Lebanon, OH |
| Kokomo, IN | Bemidji, MN | London, OH |
| La Porte, IN | Brainerd, MN | Marion, OH |
| Lafayette, Aretz Airport, IN | Caledonia, MN | Marysville, OH |
| Lafayette, Purdue University Airport, IN | Cloquet, MN | Medina, OH |
| Logansport, IN | Dodge Center, MN | Middlefield, OH |
| Lowell, IN | Duluth, Duluth International Airport, | Middletown, OH |
| Madison, IN | MN | Millersburg, OH |
| Marion, IN | Ely, MN | Mount Gilead, OH |
| Monticello, IN | Eveleth-Virginia Municipal Airport, MN | Mount Vernon, OH |
| Mount Comfort, IN | Fairmont, MN | Napoleon, OH |
| Muncie, IN | Fergus Falls, MN | New Lexington, OH |
| Nappanee, IN | Hallock, MN | New Philadelphia, OH |
| North Vernon, IN | Hawley, MN | Newark, OH |
| Peru, IN | Hibbing, MN | Ohio, OH |
| Plymouth, IN | Litchfield, MN | Ottawa, OH |
| Portland, IN | Mankato, MN | Oxford, OH |
| Rensselaer, IN | Minnesota, MN | Phillipsburg, OH |
| Richmond, IN | Mora, MN | Port Clinton, OH |
| Rochester, IN | Orr, MN | Portsmouth, OH |
| Shelbyville, IN | Ramsey, Gateway North Industrial | Saint Clairsville, OH |
| Sheridan, IN | Airpark, MN | Salem, OH |
| Sullivan, IN | Rochester, MN | Sidney, OH |
| Tell City, IN | Roseau, MN | Tiffin, OH |
| Terre Haute, IN | Saint Cloud, MN | Upper Sandusky, OH |
| Warsaw, IN | Winona, MN | Urbana, OH |
| Washington, IN | Worthington, MN | Van Wert, OH |
| Winchester, IN | Bowman, ND | Versailles, OH |
| Adrian, MI | Casselton, ND | Wadsworth, OH |
| Alpena, MI | Devils Lake, ND | Washington Court House, OH |
| Bellaire, MI | Dickinson, ND | West Union, OH |
| Benton Harbor, MI | Grand Forks, ND | Woodsfield, OH |
| Big Rapids, MI | Hettinger, ND | Wooster, OH |
| Clare, MI | Jamestown, ND | Youngstown, Youngstown Municipal |
| Deckerville, MI | Litchville, ND | Airport, OH |
| Detroit, MI | Mandan, ND | Zanesville, OH |
| Dowagiac, MI | Mohall, ND | Thunder Bay, ON |
| Eaton Rapids, MI | New Town, ND | Aberdeen, SD |
| Escanaba, MI | Watford City, ND | Britton, SD |
| Frankfort, MI | Williston, ND | Madison, SD |
| Fremont, MI | Alliance, OH | Mitchell, SD |
| Gaylord, MI | Ashland, OH | Mobridge, SD |
| Grand Ledge, MI | Ashtabula, OH | Philip, SD |
| Grand Rapids, MI | Athens-Albany, Ohio University | Pierre, SD |
| Hancock, Houghton County Memorial | Airport, OH | Spearfish, SD |
| Airport, MI | Beach City, OH | Vermillion, SD |
| Harbor Springs, MI | Bellefontaine, OH | Wagner, SD |
| Hastings, MI | Bryan, OH | Winner, SD |
| Howell, MI | Bucyrus, OH | Yankton, SD |
| Iron Mountain, MI | Cadiz, OH | Amery, WI |
| Ironwood, MI | Cambridge, OH | Antigo, WI |
| Jackson, MI | Carrollton, OH | Ashland, WI |
| K.I. Sawyer Air Force Base, MI | Celina, OH | |

Baraboo, WI
 Black River Falls, WI
 Boscobel, WI
 Burlington, WI
 Cable, WI
 Clintonville, WI
 Cumberland, WI
 Eagle River, WI
 Eau Claire, WI
 Grantsburg, WI
 Green Bay, WI
 Hayward, WI
 Janesville, WI
 Juneau, WI
 Kenosha, WI
 LaCrosse, WI
 Ladysmith, WI
 Land O'Lakes, WI
 Lone Rock, WI
 Madison, WI
 Manitowoc, WI
 Marshfield, WI
 Medford, WI
 Merrill, WI
 Milwaukee, WI
 Mineral Point, WI
 Monroe, WI
 Mosinee, WI
 Neillsville, WI
 New Holstein, WI
 New Richmond, WI
 Oconto, WI
 Osceola, WI
 Oshkosh, WI
 Phillips, WI
 Platteville, WI
 Prairie DuChien, WI
 Pulaski, WI
 Rhinelander, WI
 Sheboygan, WI
 Shell Lake, WI
 Siren, WI
 Solon Springs, WI
 Stevens Point, WI
 Sturgeon Bay, WI
 Superior, WI
 Waupaca, WI
 Wausau, WI
 West Bend, WI
 Wisconsin, WI

FAA Region: New England

Bozrah, CT
 Bridgeport, CT
 Chester, CT
 Connecticut, CT
 Danbury, CT
 Madison, CT
 Meriden, CT
 New Haven, CT
 Oxford, CT
 Willimantic, CT
 Windsor Locks, Bradley International
 Airport, CT
 Augusta, ME
 Bangor, ME
 Belfast, ME
 Biddeford, ME
 Fryeburg, ME

Greenville, ME
 Houlton, ME
 Lincoln, ME
 Machias, ME
 Maine, ME
 Millinocket, ME
 Norridgewock, ME
 Old Town, ME
 Sanford, ME
 Wiscasset, ME
 Boston, MA
 Fall River, MA
 Fitchburg, MA
 Gloucester, MA
 Great Barrington, MA
 Haverhill, MA
 Marshfield, MA
 Nantucket, MA
 New Bedford, MA
 Newburyport, MA
 Northampton, MA
 Palmer, MA
 Pittsfield, MA
 Provincetown, MA
 Southbridge, MA
 Taunton, MA
 Westfield, MA
 Worcester, MA
 Berlin, NH
 Keene, NH
 Laconia, NH
 Lebanon, NH
 New Hampshire, NH
 North Conway, NH
 Rochester, NH
 Whitefield, NH
 Newport, RI
 North Kingstown, RI
 Pawtucket, RI
 Rhode Island, RI
 Bennington, VT
 Highgate, VT
 Lyndonville, VT
 Newport, VT
 Rutland, VT
 Vermont, VT
 West Dover, VT

FAA Region: Northwest Mountain

Alamosa, CO
 Aspen, CO
 Blue Mesa, CO
 Burlington, CO
 Colorado Springs, CO
 Cortez, CO
 Denver, Centennial Airport, CO
 Erie, CO
 Fort Collins, CO
 Fort Morgan, CO
 Grand Junction, CO
 Greeley, CO
 Hayden, CO
 Holyoke, CO
 Hugo, CO
 Kremmling, CO
 La Junta, CO
 Lamar, CO
 Meeker, CO
 Pueblo, CO

Rifle, CO
 Sterling, CO
 Telluride, CO
 Tobe, CO
 Boise, ID
 Burley, ID
 Dubois, ID
 Gooding, ID
 Hailey, ID
 Idaho Falls, ID
 Malad City, ID
 McCall, ID
 Mullan Pass, ID
 Pocatello, ID
 Rexburg, ID
 Bozeman, MT
 Butte, MT
 Chouteau, MT
 Conrad, MT
 Coppertown, MT
 Cutbank, MT
 Dillon, MT
 Forsyth, MT
 Glasgow, MT
 Great Falls, MT
 Havre, MT
 Helena, MT
 Kalispell, MT
 Lewistown, MT
 Missoula, MT
 Polson, MT
 Shelby, MT
 Wolf Point, MT
 Baker, OR
 Bend, OR
 Burns, OR
 Klamath Falls, OR
 La Grande, OR
 Lakeview, OR
 Medford, OR
 North Bend, OR
 Ontario, OR
 Redmond, OR
 Roseburg, OR
 Salem, OR
 Tillamook, OR
 Bonneville, UT
 Brigham City, UT
 Bryce Canyon, UT
 Cedar City, UT
 Delta, UT
 Duchesne, UT
 Huntington, UT
 Logan, UT
 Lucin, UT
 Milford, UT
 Moab, UT
 Ogden, UT
 Price, UT
 Roosevelt, UT
 Salt Lake City, UT
 Tooele, UT
 Vernal, UT
 Wendover, UT
 Ellensburg, WA
 Kelso, WA
 Omak, WA
 Pasco, WA

Quincy, WA
Seattle, WA
Walla Walla, WA
Big Piney, WY
Buffalo, WY
Casper, WY
Cheyenne, WY
Cody, WY
Cowley, WY
Douglas, WY
Evanston, WY
Fort Bridger, WY
Gillette, WY
Greybull, WY
Jackson, WY
Laramie, WY
Rawlins, WY
Riverton, WY
Sheridan, WY
Torrington, WY
Worland, WY
FAA Region: Southern
Alabama, AL
Alabaster, AL
Alexander City, AL
Anniston, AL
Auburn, AL
Bay Minette, AL
Brewton, AL
Butler, AL
Centre, AL
Clanton, AL
Clayton, AL
Cullman, AL
Demopolis, AL
Dothan, AL
Eufaula, AL
Evergreen, AL
Fayette, AL
Foley, AL
Gadsden, AL
Greensboro, AL
Greenville, AL
Gulf Shores, AL
Haleyville, AL
Hamilton, AL
Huntsboro, AL
Huntsville, AL
Jasper, AL
Lanett, AL
Mobile, AL
Montgomery, AL
Muscle Shoals, AL
Selma, AL
Sylacauga, AL
Troy, AL
Tuscaloosa, AL
Tuskegee, AL
Vernon, AL
Wetumpka, AL
Brooksville, FL
Bunnell, FL
Daytona Beach, FL
DeLand, FL
Eglin Air Force Base, FL
Fernandina Beach, FL
Florida, FL
Fort Myers, FL
Gainesville, FL
Immokalee, FL
Keystone Heights, FL
Lake City, FL
Leesburg, FL
Marathon, FL
Marco Island, FL
Marianna, FL
Melbourne, FL
Miami, Dade-Collier Training and Transition Airport, FL
Naples, FL
New Port Richey, FL
New Smyrna Beach, FL
Ocala, FL
Pahokee, FL
Palatka, FL
Perry, FL
Saint Augustine, FL
Sarasota, FL
Sebring, FL
Titusville, FL
Venice, FL
West Palm Beach, FL
Williston, FL
Zephyrhills, FL
Albany, GA
Alma, GA
Americus, GA
Athens, GA
Augusta, GA
Baxley, GA
Brunswick, GA
Cairo, GA
Camilla, GA
Carrollton, GA
Cartersville, GA
Cedartown, GA
Claxton, GA
Cochran, GA
Columbus, GA
Cordele, GA
Covington, GA
Dalton, GA
Donalsonville, GA
Douglas, GA
Dublin, GA
Eastman, GA
Elberton, GA
Fitzgerald, GA
Fort Stewart, GA
Gainesville, GA
Greensboro, GA
Griffin, GA
Hazlehurst, GA
Hinesville, GA
Homerville, GA
Jasper, GA
Jefferson, GA
Jesup, GA
La Grange, GA
Lawrenceville, GA
Madison, GA
McRae, GA
Metter, GA
Milledgeville, GA
Moultrie, GA
Nashville, GA
Newnan, GA
Peachtree City, GA
Pine Mountain, GA
Plains, GA
Rome, GA
Saint Mary's, GA
Sandersville, GA
Statesboro, GA
Swainsboro, GA
Sylvania, GA
Tifton, GA
Toccoa, GA
Valdosta, GA
Vidalia, GA
Washington, GA
Waycross, GA
Winder, GA
Ashland, KY
Bardstown, KY
Campbellsville, KY
Danville, KY
Elizabethtown, KY
Flemingsburg, KY
Frankfort, KY
Glasgow, KY
Greenville, KY
Hawesville, KY
Henderson, KY
Hopkinsville, KY
Jackson, KY
Kentucky, KY
Madisonville, KY
Mayfield, KY
Monticello, KY
Mount Sterling, KY
Owensboro, KY
Paducah, Barkley Regional Airport, KY
Paducah, Farrington Airport, KY
Richmond, KY
Russellville, KY
Springfield, KY
Sturgis, KY
Bay Saint Louis, MS
Booneville, MS
Brookhaven, MS
Cleveland, MS
Columbia, MS
Corinth, MS
Drew, MS
Fulton, MS
Greenville, MS
Greenwood, MS
Hattiesburg, MS
Holly Springs, MS
Indianola, MS
Jackson, MS
Kosciusko, MS
Laurel, MS
Louisville, MS
Marks, MS
McComb, MS
Natchez, MS
Okolona, MS
Oxford, MS
Philadelphia, MS
Picayune, MS
Prentiss, MS
Ripley, MS
Starkville, MS

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|---------------------------------------|--|-------------------------------------|
| Tupelo, MS | Conway, SC | Arkansas, AR |
| Vicksburg, MS | Darlington, SC | Batesville, AR |
| Yazoo City, MS | Dillon, SC | Brinkley, AR |
| Ahoskie, NC | Florence, SC | Camden, AR |
| Albermarle, NC | Georgetown, SC | Carlisle, AR |
| Asheboro, NC | Greenwood, SC | Cherokee Village, AR |
| Asheville, NC | Greer, SC | Clarksville, AR |
| Aurora, NC | Hartsville, SC | Conway, AR |
| Beaufort, NC | Hemingway, SC | Corning, AR |
| Clinton, NC | Hilton Head Island, SC | DeQueen, AR |
| Edenton, NC | Kingstree, SC | Dumas, AR |
| Elizabeth City, NC | Lake City, SC | El Dorado, AR |
| Elkin, NC | Lancaster, SC | Fayetteville, AR |
| Erwin, NC | Laurens, SC | Forrest City, AR |
| Hatteras, NC | Loris, SC | Hampton, AR |
| Jacksonville, Albert J. Ellis, NC | Manning, SC | Heber Springs, AR |
| Kenansville, NC | Marion, SC | Hope, AR |
| Kinston, NC | Moncks Corner SC | Lake Village, AR |
| Lexington, NC | Myrtle Beach, SC | Magnolia, AR |
| Liberty, NC | Newberry, SC | Malvern, AR |
| Lumberton, NC | Orangeburg, SC | McGehee, AR |
| Manteo, NC | Saint George, SC | Mena, AR |
| Maxton, Laurinburg-Maxton Airport, NC | Spartanburg, SC | Monticello, AR |
| Mocksville, NC | Sumter, Shaw Air Force Base, SC | Morrilton, AR |
| Monroe, NC | Union, SC | Mountain View, AR |
| Morganton, NC | Walterboro, SC | Newport, AR |
| Mount Airy, NC | Winnsboro, SC | Ozark, AR |
| New Bern, NC | Athens, TN | Paragould, AR |
| Ocracoke, NC | Bolivar, TN | Pine Bluff, AR |
| Oxford, NC | Camden, TN | Russellville, AR |
| Plymouth, NC | Centerville, TN | Searcy, AR |
| Raeford, NC | Clifton, TN | Stuttgart, AR |
| Roanoke Rapids, NC | Cookeville, TN | Texarkana, AR |
| Rockingham, NC | Crossville, TN | Walnut Ridge, AR |
| Rocky Mount, NC | Dayton, TN | Warren, AR |
| Roxboro, NC | Dickson, TN | West Helena, AR |
| Rutherfordton, NC | Dyersburg, TN | Bastrop, LA |
| Sanford, NC | Fayetteville, TN | Baton Rouge, LA |
| Shelby, NC | Greeneville, TN | Bogalusa, LA |
| Smithfield, NC | Humbolt, TN | Cameron, LA |
| Southern Pines, NC | Huntingdon, TN | Coushatta, LA |
| Southport, NC | Jacksboro, TN | Covington, LA |
| Statesville, NC | Jackson, TN | De Quincy, LA |
| Wadesboro, NC | Jamestown, TN | De Ridder, LA |
| Wallace, NC | Jasper, TN | Fort Polk, LA |
| Walnut Cove, NC | Knoxville, TN | Grande Isle, LA |
| Washington, NC | Lafayette, TN | Hammond, LA |
| Waxhaw, NC | Lawrenceburg, TN | Homer, LA |
| West Jefferson, NC | Lexington, TN | Houma, LA |
| Whiteville, NC | Livingston, TN | Jennings, LA |
| Wilkesboro, NC | Morristown, TN | Jonesboro, LA |
| Williamston, NC | Mount Pleasant, TN | Lake Charles, Lake Charles Regional |
| Wilmington, NC | Oneida, TN | Airport, LA |
| Wilson, NC | Paris, TN | Lake Providence, LA |
| Winston-Salem, NC | Parsons, TN | Leeville, LA |
| Ponce, PR | Pulaski, TN | Mansfield, LA |
| Puerto Rico, PR | Rockwood, TN | Many, LA |
| San Juan, PR | Savannah, TN | Marksville, LA |
| San Juan, Isla Grande Airport, PR | Shelbyville, TN | Minden, LA |
| Aiken, SC | Smithville, TN | Morgan City, LA |
| Allendale, SC | Sparta, TN | Natchitoches, LA |
| Barnwell, SC | Tennessee, TN | New Orleans, LA |
| Beaufort, SC | Trenton, TN | Opelousas, LA |
| Bennettsville, SC | Tullahoma, TN | Port Sulphur, LA |
| Camden, SC | Union City, TN | Rayville, LA |
| Charleston, SC | Charlotte Amalie, Cyril E. King Airport, | Shreveport, LA |
| Cheraw, SC | VI | Slidell, LA |
| Chester, SC | Christiansted-St. Croix, VI | Springhill, LA |
| Clemson, SC | FAA Region: Southwest | |
| | Almyra, AR | |

Tallulah, LA
Thibodaux, LA
Venice, LA
Welsh, LA
Winnfield, LA
Alamogordo, NM
Artesia, NM
Belen, NM
Clovis, NM
Crownpoint, NM
Deming, NM
Gallup, NM
Las Cruces, NM
Las Vegas, NM
Lovington, NM
New Mexico, NM
Raton, NM
Roswell, NM
Ruidoso, NM
Santa Fe, NM
Silver City, NM
Socorro, NM
Taos, NM
Tucumcari, NM
Ada, OK
Afton, OK
Altus, OK
Alva, OK
Antlers, OK
Ardmore, OK
Boise City, OK
Bristow, OK
Buffalo, OK
Burns Flat, OK
Chickasha, OK
Clinton, OK
Cushing, OK
Duncan, OK
Durant, OK
Elk City, OK
Fairview, OK
Fortsill, OK
Gage, OK
Grove, OK
Guthrie, OK
Guymon, OK
Henryetta, OK
Hobart, OK
Holdenville, OK
Idabel, OK
Madill, OK
Medford, OK
Miami, OK
Mooreland, OK
Muskogee, OK
Oklahoma, OK
Okmulgee, OK
Pauls Valley, OK
Perry, OK
Ponca City, OK
Poteau, OK
Pryor, OK
Sallisaw, OK
Tahlequah, OK
Watonga, OK
Weatherford, OK
Woodward, OK
Abilene, Dyess Air Force Base, TX
Alpine, TX

Anahuac, TX
Andrews, TX
Athens, TX
Atlanta, TX
Austin, Robert Mueller Municipal
Airport, TX
Ballinger, TX
Bay City, TX
Beaumont, TX
Berclair, TX
Big Lake, TX
Big Sandy, TX
Big Spring, TX
Bonham, TX
Borger, TX
Bowie, TX
Breckenridge, TX
Brenham, TX
Brownfield, TX
Caddo Mills, TX
Caldwell, TX
Canadian, TX
Carrizo Springs, TX
Carthage, TX
Center, TX
Childress, TX
Cleveland, TX
Coleman, TX
College Station, TX
Commerce, TX
Corsicana, TX
Cotulla, TX
Crosbyton, TX
Dalhart, TX
Devine, TX
Dumas, TX
Eastland, TX
Edna, TX
Fairfield, TX
Falfurrias, TX
Fort Stockton, TX
Franklin, TX
Fredericksburg, TX
Gainesville, TX
Georgetown, TX
Giddings, TX
Graford, TX
Graham, TX
Granbury, TX
Greenville, TX
Gruver, Cluck Ranch Airport, TX
Gruver, Municipal Airport, TX
Hamilton, TX
Henderson, TX
Hereford, TX
Hondo, TX
Jasper, TX
Johnson City, TX
Jonestown, TX
Junction, TX
Katy, TX
Kenedy, TX
Kountze-Silsbee, TX
La Pryor, TX
Lake Jackson, TX
Lamesa, TX
Lampasas, TX
Levelland, TX
Liberty, TX

Littlefield, TX
Llano, TX
Lone Star, TX
Longview, TX
Madisonville, TX
Marble Falls, TX
Marfa, TX
Marshall, TX
Mason, TX
McAllen, TX
Mexia, TX
Mineola, TX
Monahans, TX
Mount Pleasant, TX
Muleshoe, TX
Navasota, TX
New Braunfels, TX
Oakwood, TX
Olney, TX
Orange, TX
Paducah, TX
Palacios, TX
Pampa, TX
Paris, TX
Pearsall, TX
Pecos, TX
Perryton, TX
Plainview, TX
Pleasanton, TX
Port Isabel, TX
Port Lavaca, TX
Port O'Connor, TX
Presidio, TX
Refugio, TX
Robstown, TX
Rocksprings, Four Square Ranch
Airport, TX
San Marcos, TX
Seminole, TX
Sherman, TX
Sinton, TX
Sonora, TX
Spearman, TX
Spofford, TX
Stephenville, TX
Stratford, TX
Sweetwater, TX
Taylor, TX
Terrell, TX
Uvalde, TX
Vernon, TX
Waco, TX
Waller, TX
Waring, TX
Wheeler, TX
Wink, TX
Winnsboro, TX
Yoakum, TX
FAA Region: Western-Pacific
Cameron, AZ
Casa Grande, AZ
Cochise, AZ
Douglas, AZ
Flagstaff, AZ
Fort Huachuca, AZ
Gila Bend, AZ
Grand Canyon, AZ

Kingman, AZ
 Lake Havasu, AZ
 Nogales, AZ
 Prescott, AZ
 Saint Johns, AZ
 San Simon, AZ
 Show Low, AZ
 Window Rock, AZ
 Winslow, AZ
 Alturas, CA
 Burbank, CA
 Columbia, CA
 Colusa, CA
 Crescent City, CA
 Daggett, CA
 Edwards Air Force Base, CA
 El Centro, Imperial County Airport, CA
 El Rico, CA
 Firebaugh, CA
 Fort Jones, CA
 Fortuna, CA
 Gorman, CA
 Half Moon Bay, CA
 Klamath, CA
 LeMoore Naval Air Station, CA
 Little River, CA
 Livermore, CA
 Lodi, CA
 Lompac, Lompac Airport, CA
 Los Angeles, CA
 Los Banos, CA
 Madera, CA
 Marysville, CA
 Marysville, Beale Air Force Base, CA
 Maxwell, CA
 Merced, CA
 Modesto City, CA
 Mojave, CA
 Montague, CA
 Needles, CA
 Oakdale, CA
 Oceanside, CA
 Ontario, CA
 Orland, CA
 Palm Springs, CA
 Parker, CA
 Paso Robles County, CA
 Placerville, CA
 Porterville, CA
 Priest, CA
 Ramona, CA
 Red Bluff, CA
 Rio Vista, CA
 Riverside, CA
 Salyer Farms, CA
 San Diego, CA
 San Rafael, CA
 Santa Barbara, CA
 Santa Catalina, CA
 Santa Rosa, CA
 Santa Ynez, CA
 Stockton, CA
 Sunol, CA
 Thermal, CA
 Tracy, CA
 Twentynine Palms, CA
 Vacaville, CA
 Vandenberg Air Force Base, CA
 Victorville, George Air Force Base, CA

Willows, Glen County Airport, CA
 Woodland, CA
 Hilo International Airport, General
 Lyman Field, HI
 Kahului, HI
 Kailua-Kona, HI
 Kaneohe Marine Corp Air Station, HI
 Kapalua, West Maui Airport, HI
 Lanai, HI
 Molokai, HI
 Pohakuloa, Bradshaw Air Force Base, HI
 Kwajalein Island, MQ
 Midway Island, Midway Naval Air
 Facility, MQ
 Battle Mountain, NV
 Coaldale, NV
 Elko, NV
 Ely, NV
 Hawthorne, NV
 Indian Springs, NV
 Lovelock, NV
 Reno, Cannon International Airport, NV
 Wells, NV
 Winnemucca, NV
 Yerington, NV

The airspace areas listed below have been amended since the review of transition areas by the FAA regions and these amendments were not proposed in NPRM Number 92-5, or they are being revised to include technical corrections or minor modifications. Because this action does not change the boundaries and configuration of any of these areas, with respect to these areas it is insignificant in nature and impact and inconsequential to the industry and public. Therefore, notice and public procedure under 5 U.S.C. 533(b) are unnecessary.

FAA Region: Central

Ames, IA: The airspace description for this area is revised according to Airspace Docket Number 91-ACE-4.

FAA Region: Eastern

Chantilly, VA: The airspace description for this area is revised according to Airspace Docket Number 91-AEA-01.

FAA Region: Great Lakes

Grayling, MI: The airspace description for this area, which was established by Airspace Docket Number 91-AGL-10, is added to this final rule.

Anoka, MN: The airspace description for this area, which was revoked by Airspace Docket Number 92-AGL-3, is not included in this final rule.

Austin, MN: The airspace description for this area is revised according to Airspace Docket Number 91-AGL-12.

Cook, MN: The airspace description for this area, which was established by Airspace Docket Number 91-AGL-7, is added to this final rule.

Motley, MN: The airspace description for this area is revised according to Airspace Docket Number 91-AGL-16.

Warroad, MN: The airspace description for this area is revised according to Airspace Docket Number 91-AGL-13.

Willmar, MN: The airspace description is revised according to Airspace Docket Number 91-AGL-8.

Gwinner, ND: The airspace description for this area, which was established by Airspace Docket Number 92-AGL-4, is added to this final rule.

Belle Fourche, SD: The airspace description for this area, which was established by Airspace Docket Number 91-AGL-9, is added to this final rule.

Delavan, WI: The airspace description for this area is revised according to Airspace Docket Number 92-AGL-1.

Lake Geneva, WI: The airspace description for this area, which was revoked by Airspace Docket Number 92-AGL-1, is not included in this final rule.

Rice Lake, WI: The airspace description for this area is revised according to Airspace Docket Number 91-AGL-11.

FAA Region: Northwest Mountain

Salmon, ID: The airspace description for this area, which was established by Airspace Docket Number 92-ANM-1, is added to this final rule.

Anaconda, MT: The airspace description for this area, which was established by Airspace Docket Number 91-ANM-1, is added to this final rule.

Enterprise, MT: The airspace description for this area, which was established by Airspace Docket Number 92-ANM-6, is added to this final rule.

Albany, OR: The airspace description for this area, which was established by Airspace Docket Number 91-ANM-8, is added to this final rule.

The Dalles, OR: The airspace description for this area is revised according to Airspace Docket Number 91-ANM-11.

Sun River, OR: The airspace description for this area, which was established by Airspace Docket Number 91-ANM-12, is added to this final rule.

Hanksville, UT: The airspace description for this area, which was revoked by Airspace Docket Number 92-ANM-12, is not included in this final rule.

Pullman, WA: The airspace description for this area is revised according to Airspace Docket Number 90-ANM-08.

Kemmerer, WY: The airspace description for this area, which was established by Airspace Docket Number 91-ANM-3, is added to this final rule.

FAA Region: Southern

Punta Gorda, FL: The airspace description for this area is revised according to Airspace Docket Number 91-ASO-13.

FAA Region: Southwest

Los Alamos, NM: The airspace description for this area, which was established by Airspace Docket Number 91-ASW-22, is added to this final rule.

FAA Region: Western-Pacific

Mesquite, NV: The airspace description for this area, which was established by Airspace Docket Number 91-AWP-17, is added to this final rule.

Revisions to proposed airspace areas by including technical corrections and airspace changes:

FAA Region: Alaskan

Adak, AK: The airspace description is revised to delete the extension area that begins 2 miles south of the ADAK TACAN 062° radial and extends from the 7-mile radius of the Adak NAS Airport to 7.7 miles northeast of the airport. It is also revised to replace the reference to the "Adak, NAS Airport, AK Control Zone," with the "Adak, AK Control Zone."

Ambler, AK: The airspace description is revised to include editorial changes.

Amchitka Island, AK: The airspace description is revised to include editorial changes; to replace the transition area title "Amchitka, AK" with "Amchitka Island, AK" to match the control zone title; and to replace the reference to the "Amchitka Island Airport, AK Control Zone" with "Amchitka Island, AK Control Zone." It is also revised to delete the extension area based on the 056° radial of the Amchitka VORTAC in the portion of the transition area that extends upward from 1,200 feet above the surface.

Anchorage, AK: The airspace description is revised to replace all references to the "Anchorage VOR" with "Anchorage VOR/DME," and to replace all references to "mean sea level" with "MSL."

Aniak, AK: The airspace description is revised to include editorial changes and to clarify that the portion of the transition area that extends upward from 1,200 feet above the surface within 8 miles north and 4 miles south of the Aniak localizer front course extends from the Aniak Airport to 22.4 miles west of the airport.

Barrow, Barrow/Wiley Post-Will Rogers Memorial Airport, AK: The airspace description is revised to include editorial changes and to delete the reference to the airspace within 1.3

miles each side of the 065° radial of the Barrow VORTAC extending from the 6.6-mile radius of the Barrow/Wiley Post-Will Rogers Memorial Airport to 8.6 miles northeast of the airport. This airspace is already covered by the two radii surrounding the Barrow/Wiley Post-Will Rogers Memorial Airport and the localizer extension.

Bethel, AK: The airspace description is revised to include editorial changes and to replace the reference to the "Aniak Airport, AK Transition Area" with "Aniak, AK Transition Area" and the reference to the "Bethel Airport, AK Control Zone" with "Bethel, AK Control Zone."

Big Delta, AK: The airspace description is revised to redefine the parameters of the transition area surrounding Allen AAF Airport. It is also revised to replace the reference to the "Big Delta, Allen AAF Airport, AK Control Zone," with the "Big Delta, AK Control Zone."

Cold Bay, AK: The airspace description is revised to include editorial changes, to clarify that the airspace that extends from the Elfee NDB to 21.7 miles northwest of the Cold Bay Airport is within 4.5 miles west and 8 miles east of the Elfee NDB 318° bearing, and to clarify that the extension area based on the Cold Bay Localizer back course extends from the Cold Bay Airport to 15.7 miles south of the airport. In addition, the airspace description is revised to replace the reference to the "Cold Bay Airport, AK Control Zone," with the "Cold Bay, AK Control Zone."

Cordova, AK: The airspace description is revised to include editorial changes, and to replace all references to the "Cordova Localizer" with "Merle K. (Mudhole) Smith Localizer."

Deadhorse, AK: The airspace description is revised to replace the reference to the "Deadhorse Airport, AK Control Zone," with the "Deadhorse, AK Control Zone."

Dillingham, AK: The airspace description is revised to include editorial changes and to replace the reference to the "Dillingham Airport, AK Control Zone," with "Dillingham, AK Control Zone."

Emmonak, AK: The airspace description is revised to include editorial changes.

Fairbanks, Eielson Air Force Base, AK: The airspace description is revised to include editorial changes, to replace all references to the "Eielson AFB Airport" with "Eielson AFB," and to replace the reference to the "Eielson AFB Airport, AK Control Zone" with "Fairbanks, Eielson AFB, AK Control Zone."

Fairbanks, International Airport, AK: The airspace description is revised to include editorial changes.

Fairbanks, Wainwright Army Air Field, AK: The airspace description is revised to include editorial changes, to replace all references to the "Wainwright AAF Airport" with "Wainwright AAF," and to replace the reference to "Eielson AFB Airport, AK" with "Fairbanks, Eielson AFB, AK" and "Wainwright AAF Airport, AK" with "Fairbanks, Wainwright AAF, AK."

Fort Yukon, AK: The airspace description is revised to include editorial changes.

Galena, AK: The airspace description is revised to include editorial changes.

Gambell, AK: The airspace description is revised to include editorial changes.

Gulkana, AK: The airspace description is revised to include editorial changes.

Gustavus, AK: The airspace description is revised to include editorial changes, and to replace all references to "mean sea level" with "MSL."

Hooper Bay, AK: The airspace description is revised to include editorial changes.

Juneau, AK: The airspace description is revised to include editorial changes, to replace all references to the "Juneau Airport" with "Juneau International Airport," and to replace the reference to the "Juneau Airport, AK Control Zone," with "Juneau, AK Control Zone." It is also revised to delete the extension area based on the 271° bearing of the Coghill Island NDB in the portion of the transition area that extends upward from 1,200 feet above the surface. In addition, it is revised to delete the exclusion for the airspace more than 12 miles from the shoreline.

Ketchikan, AK: The airspace description is revised to include editorial changes; replace the reference to the "Ketchikan Airport, AK Control Zone" with "Ketchikan, AK Control Zone;" to change the distance each side of the Ketchikan Localizer east course from 1.8 miles to 1.9 miles; to change the floor of the airspace within 13.2 miles east and 10.5 miles west of the 165° radial from 1,200 feet above the surface to 4,700 feet MSL; and to replace the reference from "(and that airspace extending upward from 1,200 feet above the surface) within 9 miles east and 14 miles west of the Ketchikan Airport to 42.7 miles west of the Ketchikan Airport and within 15.6 miles west of the 311° radial of the Annette Island VORTAC extending from 15.8 miles west of the Annette Island VORTAC to 56.8 miles

west of the Annette Island VORTAC and within 4 miles east of the 353° radial of the Annette Island VORTAC extending from the 12-mile radius of the Annette Island VORTAC to the Ketchikan Localizer east course" with "and that airspace extending upward from 5,700 feet MSL within 15.6 miles west of the VORTAC to 56.8 miles west of the VORTAC and within 9 miles north and 14 miles south of the Ketchikan Localizer west course extending from 4.3 miles west of the airport to 42.7 miles west of the airport".

King Salmon, AK: The airspace description is revised to include editorial changes.

Kipnuk, AK: The airspace description is revised to include editorial changes.

Kodiak, AK: The airspace description is revised to include editorial changes, to replace all references to "mean sea level" with "MSL," and to replace the reference to the "Kodiak Airport, AK Control Zone" with "Kodiak, AK Control Zone."

Kotzebue, AK: The airspace description is revised to include editorial changes, to replace all references to the "Kotzebue/Ralph Wien Memorial Airport" with "Ralph Wien Memorial Airport," and to replace the reference to the "Kotzebue/Ralph Wien Memorial Airport, AK Control Zone" with "Kotzebue, AK Control Zone."

McGrath, AK: The airspace description is revised to include editorial changes, and to replace the reference to the "McGrath Airport, AK Control Zone" with "McGrath, AK Control Zone."

Nenana, AK: The airspace description is revised to include editorial changes, and to replace all references to the "Nenana Airport" with "Nenana Municipal Airport."

Nome, AK: The airspace description is revised to include editorial changes, and to replace the reference to the "Nome Airport, AK Control Zone" with "Nome, AK Control Zone."

Northway, AK: The airspace description is revised to include editorial changes.

Petersburg, AK: The airspace description is revised to include editorial changes, to replace all references to mean sea level" with "MSL," and to replace the reference to the "Sitka Airport, AK Transition Area" with "Sitka, AK Transition Area."

Point Hope, AK: The airspace description is revised to include editorial changes.

Port Heiden, AK: The airspace description is revised to include editorial changes.

Saint Marys, AK: The airspace description is revised to include editorial changes.

Saint Paul Island, AK: The airspace description is revised to include editorial changes, and to replace the reference to the "197° bearing from the St. Paul NDB/DME" with "018° bearing from the St. Paul NDB/DME."

Savoonoo, AK: The airspace description is revised to include editorial changes.

Shemya, AK: The airspace description is revised to replace all references to the "Shemya AFB Airport" with "Shemya AFB," to clarify the perimeter of the airspace that extends upward from 1,200 feet above the surface, and to replace the reference to the "Shemya AFB Airport, AK Control Zone" with "Shemya, AK Control Zone."

Shishmaref, AK: The airspace description is revised to include editorial changes, and to replace all references to the "Shishmaref Airport" with "Shishmaref/New Airport."

Sitka, AK: The airspace description is revised to expand the extension area based on the 029° radial of the Biorka Island VORTAC to 1 mile south of the VORTAC, and to revise the airspace area surrounding the Sitka Localizer front course. This area now extends from the Sitka localizer to 13.5 miles southeast, not 13.5 miles west as proposed, of the Sitka Airport. The airspace description is also revised to include editorial changes, to replace the reference to the "Juneau Airport, AK, and Ketchikan Airport, AK Transition Areas" with "Juneau, AK, and the Ketchikan, AK Transition Areas," and to replace the reference to the "Sitka Airport, AK Control Zone" with "Sitka, AK Control Zone."

Soldotna, AK: The airspace description is revised to include editorial changes.

Talkeetna, AK: The airspace description is revised to include editorial changes, and to replace the references to: "Anchorage International Airport, AK" with "Anchorage, AK" and "Talkeetna Airport, AK Control Zone" with "Talkeetna, AK Control Zone."

Tanana, AK: The airspace description is revised to include editorial changes, to replace all references to the "Tanana Airport" with "Ralph M. Calhoun Memorial Airport," and to replace the reference to the "Tanana Airport, AK Control Zone" with "Tanana, AK Control Zone."

Togiak, AK: The airspace description is revised to include editorial changes.

Umiat, AK: The airspace description is revised to include editorial changes.

Unalakleet, AK: The airspace description is revised to include

editorial changes, and to replace the reference to the "Unalakleet Airport, AK Control Zone" with "Unalakleet, AK Control Zone."

Unalaska, AK: The airspace description is revised to include editorial changes.

Valdez, AK: The airspace description is revised to include editorial changes, and to replace all references to "mean sea level" with "MSL."

Wrangell, AK: The airspace description is revised to include editorial changes; to replace all references to "mean sea level" with "MSL;" and to clarify that the extension based on the Wrangell Localizer front course is southeast of the Wrangell Airport.

Yakutat, AK: The airspace description is revised to include editorial changes, and to replace the reference to the "Yakutat Airport, AK Control Zone" with the "Yakutat, AK Control Zone."

FAA Region: Central

Independence, IA: The airspace description is revised to replace all references to the "Wapsi NDB" with "Wapsie NDB."

Mount Pleasant, IA: The airspace description is revised to replace all references to "Mt." with "Mount."

Sioux City, IA: The airspace description is revised to replace the reference to the "Sioux Gateway Airport, IA Control Zone," with the "Sioux City, IA Control Zone."

Vinton, IA: The airspace description is revised to replace all references to "Veterans Memorial Airport" with "Vinton Veterans Memorial Airport."

Washington, IA: The airspace description is revised because the Washington NDB has been decommissioned.

Waterloo, IA: The airspace description is revised to include the geographic position for the Waterloo Municipal Localizer.

Atwood, KS: The airspace description is revised to replace all references to the "Rawlins County, City-County Airport" with "Atwood-Rawlins City-County Airport."

Elkhart, KS: The airspace description is revised to replace all references to the "Morton County Airport" with "Elkhart-Morton County Airport."

Goodland, KS: The airspace description is revised to include the geographic position for the Goodland VORTAC. It is also revised to replace the reference to the "Goodland ILS localizer course" with "Renner Field-Goodland Municipal localizer course."

Larned, KS: The airspace description is revised to replace all references to the

"Pawnee County Airport" with "Larned-Pawnee County Airport."

Liberal, KS: The airspace description is revised to include the geographic position for the Liberal Municipal Localizer.

Lyons, KS: The airspace description is revised to replace all references to the "Rice County Municipal Airport" with "Lyons-Rice County Municipal Airport."

Minneapolis, KS: The airspace description is revised to replace all references to the "City County Airport" with "Minneapolis City County Airport."

Salina, KS: The airspace description is revised to replace the reference to the "Salina Airport ILS localizer" with "Salina Municipal ILS localizer."

Topeka, Phillip Billard Municipal Airport, KS: The airspace description is revised to replace all references to the "Phillip Billard Airport" with "Phillip Billard Municipal Airport."

Washington, KS: The airspace description is revised to replace all references to the "County Memorial Airport" with "Washington County Memorial Airport."

Brookfield, MO: The airspace description is revised to replace all references to the "General John J. Pershing Municipal Airport" with "General John J. Pershing Memorial Airport."

Cape Girardeau, MO: The airspace description is revised to delete the statement "excluding that portion which overlies the Sikeston, MO Transition Area." The Cape Girardeau, MO Transition Area no longer overlies the Sikeston, MO Transition Area.

Knob Noster, Whiteman, MO: The airspace description is revised to replace the reference to the "Whiteman AFB Airport, MO Control Zone," with "Knob Noster, MO, Control Zone," and to delete the geographic position for the Whiteman TACAN. The Whiteman TACAN is deleted because the TACAN is not referenced in the airspace description.

Columbus, NE: The airspace description is revised to delete the extension area based on the 317° radial of the Columbus VOR/DME.

FAA Region: Eastern

Dover, DE: The airspace description is revised to delete the extension area based on the 013° radial of the Dover TACAN.

Washington, DC: The airspace description is revised to replace all references to "Davidson AAF" with "Davison AAF."

Aberdeen, MD: The airspace description is revised to delete the extension area based on the 033° radial of the Phillips VOR and to delete the

geographic position for the Phillips VOR. In addition, the redundant reference to the airspace surrounding the 029° bearing from the Aberdeen NDB is deleted from the airspace description and the width of the extension area based on the 029° bearing of the Aberdeen NDB is revised from 4.4 miles each side of the bearing to 4.5 miles each side of the bearing.

Baltimore, MD: The airspace description is revised to delete the extension area based on the 298° radial of the Martin TACAN and to delete the geographic position for the Martin TACAN. The description of the airspace surrounding Martin State airport is also revised to include that airspace within an 8.7-mile radius of Martin State airport extending clockwise from a 239° bearing to a 270° bearing from the airport and within a 10.7-mile radius of Martin State Airport extending clockwise from a 270° bearing to a 320° bearing from the airport. The airspace description is revised to change the width of the extension based on the Runway 10 centerline from 6.2 miles to 7.2 miles.

Frederick, MD: The airspace description is revised to delete the geographic position for the Frederick Municipal Airport ILS runway 23 localizer, because the localizer is not referenced in the airspace description.

Ocean City, MD: The airspace description is revised to delete the geographic position for the Salisbury VORTAC, because the VORTAC is not referenced in the airspace description.

Westminster, Clearview Airpark, MD: The airspace description is revised by replacing "This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory" with "This transition area is effective from sunrise to sunset, daily."

Berlin, NJ: The airspace description is revised by replacing "This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory" with "This transition area is effective from sunrise to sunset, daily."

Cross Keys, NJ: The airspace description is revised to delete the extension area based on the 071° radial of the Woodstown VORTAC and to delete the geographic position for the Woodstown VORTAC.

Hammonton, NJ: The airspace description is revised to delete the extension area based on the 051° radial of the Cedar Lake VORTAC and to

delete the geographic position for the Cedar Lake VORTAC.

Wrightstown, NJ: The airspace description is revised to replace all references to the "Navy Lakehurst TACAN" with "Lakehurst (Navy) TACAN."

Brockport, NY: The airspace description for this area, which was established by Airspace Docket Number 89-AEA-04, is added to this final rule.

Dahlgren, NY: The airspace description is revised by replacing "This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory" with "This transition area is effective from 0600 to 2300, daily."

Dansville, NY: The airspace description is revised by replacing "This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory" with "This transition area is effective from sunrise to sunset, daily."

Johnstown, NY: The airspace description for this area, which was established by Airspace Docket Number 89-AEA-17, is added to this final rule.

Malone, NY: The airspace description is revised to delete the extension area based on the 116° radial of the Massena VORTAC and to delete the geographic position for the Massena VORTAC. It is also revised to replace the reference to "Malone-Dufort, Malone, NY" with "Malone-Dufort Airport, Malone, NY."

Monticello, NY: The airspace description is revised to include editorial changes and to replace the radius around the Monticello Airport from a 6.6-mile radius to a 6.5-mile radius.

New York Metropolitan, NY: The airspace description is revised to replace all references to the "Moree NDB" with "Moree LOM."

Newburgh, NY: The airspace description is revised to delete the airspace 3.1 miles north of the 081° bearing from the OTIMS NDB (LOM).

Westhampton Beach, NY: The airspace description is revised to replace all references to the "Suffolk County Airport" with "Francis S. Gabreski Airport."

White Plains, NY: The airspace description is revised to replace all references to the "Westchester County Airport localizer northwest course" with "Hestr LOM."

Beaver Falls, PA: The airspace description is revised to replace all references to the "Elwood City VORTAC" with "Ellwood City VORTAC."

Connellsville, PA: The airspace description is revised to replace all references to the "Camor NDB" with "Camor LOM/NDB."

Corry, PA: The airspace description is revised to replace all references to the "Lawrence Airport" with "Corry-Lawrence Airport."

Danville, PA: The airspace description is revised to replace all references to the "Geisinger Hospital Helipad" with "Geisinger Rooftop Helipad."

Downingtown, PA: The airspace description is revised by replacing "This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory" with "This transition area is effective from sunrise to sunset, daily."

Du Bois, PA: The airspace description is revised by ensuring the area includes that airspace within an 8.5 mile radius of Du Bois-Jefferson County Airport and replacing the extension based on the DUBOI NDB with an extension based on the outer marker. The DUBOI NDB has been decommissioned.

Easton, PA: The airspace description is revised by replacing "This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory" with "This transition area is effective from sunrise to sunset, daily."

Seven Springs, PA: The airspace description is revised by replacing "This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory" with "This transition area is effective from sunrise to sunset, daily."

Wellsboro, PA: The airspace description is revised by replacing "This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory" with "This transition area is effective from sunrise to sunset, daily."

Blackstone, VA: The airspace description is revised by replacing "This transition area is effective during the specific dates and times established in

advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory" with "This transition area is effective from sunrise to sunset, daily."

Berkeley Springs, WV: The airspace description is revised to eliminate the exclusion of the airspace within the Martinsburg, WV Transition Area, because the Berkeley Springs, WV Transition Area no longer overlaps the Martinsburg, WV Transition Area.

Clarksburg, WV: The airspace description is revised to include the geographic position for the Clarksburg VOR/DME, and to replace all references to the "Clarksburg VOR" with "Clarksburg VOR/DME."

Huntington, WV: The airspace description is revised to replace all references to "Tri State/Milton J. Ferguson Field Airport" with "Tri State/Milton J. Ferguson Field Airport."

Morgantown, WV: The airspace description is revised to replace all references to the "Morgantown Municipal-Walter L. Hart Field Airport" with "Morgantown Municipal-Walter L. Bill Hart Field Airport."

Parkersburg, WV: The airspace description is revised to replace all references to the "Wood County (Gill Robb Wilson Field) Airport" with "Wood County Airport-Gill Robb Wilson Field" and to replace all references to the "Versi NDB" with the "Versi LOM."

Wheeling, WV: The airspace description is revised to replace all references to the "Dorch NDB" with "Dorch LOM."

FAA Region: Great Lakes

Belleville, IL: The airspace description is revised to delete the exclusion for the Cahokia, IL Transition Area.

Belvidere, IL: The airspace description is revised to replace all references to the "Belvidere Airport" with "Belvidere LTD Airport."

Cahokia, IL: The airspace description is revised to replace the reference to the "Cahokia-St. Louis Downtown Parks Airport, IL Control Zone," with the "Cahokia, IL Control Zone." It is also revised to replace the reference to the "Cahokia-St. Louis Downtown-Parks Airport" in the description header with "Cahokia, St. Louis Downtown-Parks Airport," and to replace all references to the "Cahokia-St. Louis Downtown-Parks Airport" in the body of the description with "St. Louis Downtown-Parks Airport."

Dixon, IL: The airspace description is revised to replace all references to the "Charles R. Walgreen Field" with

"Dixon Municipal-Charles R. Walgreen Field."

Marion, IL: The airspace description is revised to include an exclusion for the airspace within the Marion, IL Control Zone during the specific dates and times it is effective.

Mount Vernon, IL: The airspace description is revised to replace all references to the "Mount Vernon-Outland Airport" with "Mount Vernon/Outland Airport."

Quincy, IL: The airspace description is revised to replace all references to the "Quincy LOM" with "Quincy LOM/NDB."

Rochelle, IL: The airspace description is revised to replace all references to the "Rochelle Municipal Airport" with "Airport-Koritz Field."

Rockford, IL: The airspace description is revised to clarify that the Rockford, IL Transition Area overlies the Greater Rockford Airport when the Rockford, IL Control Zone is not in effect. It is also revised to replace the reference to the "Greater Rockford Airport, IL Control Zone," with the "Rockford, IL Control Zone."

Sparta, IL: The airspace description is revised to replace all references to the "Sparta Community Hunter Field" with "Sparta Community-Hunter Field."

Sterling, IL: The airspace description is revised to replace all references to the "Whiteside County Airport" with "Whiteside County Airport-Jos H. Bittorf Field."

Alexandria, IN: The airspace description is revised to correct the reference to the airspace surrounding the 269° radial of the Muncie VOR/DME and clarify that the airspace extends east from the 6.7-mile radius of the Alexandria Airport to the Muncie VOR/DME. In addition, the reference to the "Anderson Municipal Airport, IN, and Delaware County-Johnson Field, IN Control Zones" is replaced with the "Anderson, IN, and Muncie, IN Control Zones." The reference to the "Anderson Municipal Airport, IN, and Delaware County-Johnson Field, IN Transition Areas" is replaced with the "Anderson, IN, and Muncie, IN Transition Areas."

Bedford, IN: The airspace description is revised to replace all references to the "Virgil I. Grissom Municipal Airport" with "Virgil I. Grissom Municipal Airport."

Fort Wayne, IN: The airspace description is revised to replace all references to the "Fort Wayne Municipal Airport" with "Fort Wayne International Airport."

Greensburg, IN: The airspace description is revised to replace all references to the "Decatur County

Airport" with "Greensburg-Decatur County Airport."

Indianapolis, Brookside Airpark, IN: The airspace description is revised to replace all references to "Indianapolis Brookside Airport" with "Indianapolis Brookside Airpark."

Michigan City, IN: The airspace description is revised to replace all references to the "Michigan City Indiana Airport" with "Michigan City Airport."

New Castle, IN: The airspace description is revised to replace the reference to the "New Castle, Henry County Municipal" and the reference to the "Henry County Municipal Airport" with "New Castle-Henry County Municipal Airport."

Seymour, IN: The airspace description is revised to replace all references to the "Freeman Field" with "Freeman Municipal Airport."

Valparaiso, TN: The airspace description is revised to replace all references to the "Porter County Airport" with "Porter County Memorial Airport."

Vincennes, IN: The airspace description is revised to delete the reference in the exclusion to the airspace in the Mt. Carmel, IL Transition Area.

Winamac, IN: The airspace description is revised to replace all references to "Arens Field Airport" with "Arens Field."

Battle Creek, MI: The airspace description is revised to replace all references to the "Batol LOM" with "Batol LOM/NDB."

Flint, MI: The airspace description is revised to replace all references to the "Petli NDB" with "Petli LOM."

Gladwin, MI: The airspace description is revised to include editorial changes and to replace all references to the "Gladwin Airport" with "Charles C. Zettl Memorial Airport."

Hillsdale, MI: The airspace description is revised to replace all references to the "Hillsdale Airport" with "Hillsdale Municipal."

Houghton Lake, MI: The airspace description is revised to replace all references to the "Roscommon County Memorial Airport" with "Roscommon County Airport."

Oscoda, MI: The airspace description is revised to replace the reference to the "Wurtsmith Air Force Base, MI Control Zone," with the "Oscoda, MI Control Zone."

Sault Sainte Marie, Sanderson Field Airport, MI: The airspace description is revised to replace all references to the "Sanderson Field Airport" with "Sault Sainte Marie Municipal/Sanderson Field."

Albert Lea, MN: The airspace description is revised to replace all references to the "Albert Lea Airport" with "Albert Lea Municipal Airport."

Crookston, MN: The airspace description is revised to replace all references to the "Crookston Municipal Kirkwood Field Airport" with "Crookston Municipal Kirkwood Field."

Detroit Lakes, MN: The airspace description is revised to replace all references to the "Detroit Lakes Municipal Airport" with "Detroit Lakes Airport."

Grand Rapids, MN: The airspace description is revised to replace the reference to the "Grand Rapids, Itasca County Gordon Newstrom Field" and the reference to the "Itasca County-Gordon Newstrom Field" with "Grand Rapids/Itasca County Gordon Newstrom Field."

International Falls, MN: The airspace description is revised to replace all references to the "International Falls Airport" with "Falls International Airport."

Little Falls, MN: The airspace description is revised to replace all references to the "Little Falls-Morrison Airport" with "Little Falls-Morrison County Airport."

Madison, MN: The airspace description is revised to replace all references to the "Madison-Lac Qui Parle County Airport" with "Madison-Lac Qui Parle Airport."

Minneapolis, MN: The airspace description is revised to replace all references to the "Minneapolis-St. Paul International Airport" with "Minneapolis-St. Paul International (Wold-Chamberlain) Airport," and to replace all references to the "Anoka County Airport" with "Anoka County-Blaine Airport (Janes Field)."

Montevideo, MN: The airspace description is revised to replace the reference to the "Montevideo, Chippewa County Airport" and the reference to the "Chippewa County Airport" with "Montevideo-Chippewa Airport."

Olivia, MN: The airspace description is revised to replace all references to the "Olivia Municipal Airport" with "Olivia Regional Airport."

Ortonville, MN: The airspace description is revised to replace all references to the "Ortonville Municipal Airport" with "Ortonville Municipal Airport-Martinson Field."

Bismark, ND: The airspace description is revised to clarify the description, replace the reference to the "ILS Localizer northeast course" with "ILS Localizer northwest course" and replace the reference to the "Bismark Municipal Airport, ND Control Zone" with the "Bismark, ND Control Zone."

The airspace description is revised to replace all references to the "Colij NDB" with "Colij LOM/NDB."

Fargo, ND: The airspace description is revised to delete the extension area based on the 009° radial of the Fargo VORTAC. It is also revised to clarify the portion of the transition area that extends upward from 1,200 feet above the surface. In addition, the reference to the "Hector International Airport, ND Control Zone," is replaced with the "Fargo, ND Control Zone."

Minot, ND: The airspace description is revised to add the Minot VORTAC geographic position, because the Navaid is used throughout the description.

Pembina, ND: The airspace description is revised to replace the reference to the "Humbolt VORTAC 312° radial" with the "Humbolt VORTAC 132°/312° radials." It is also revised to redefine the portion of the transition area that extends upward from 1,200 feet above the surface.

Wahpeton, ND: The airspace description is revised to clarify that the airspace within a 25-mile radius of the Harry Stern Airport is between the Minnesota state border and V-181.

Akron, OH: The airspace description is revised to include the geographic position for the Akron-Canton Regional ILS Localizer.

Barnesville, OH: The airspace description is revised to replace all references to the "Bradfield Airport" with "Barnesville Bradfield Airport."

Batavia, Clermont County Airport, OH: This transition area will not be adopted as a separate airspace area. It is encompassed in the Covington, KY transition area.

Cleveland, OH: The airspace description is revised to delete the extension based on the 230° bearing from the Harri LOM. It is also revised to replace the reference to the "Willoughby, Lost Nation Airport, OH Control Zone" with "Willoughby, OH Control Zone," and to replace all references to the "Lost Nation Airport" with "Willoughby Lost Nation Municipal Airport."

Columbus, OH: The airspace description is revised to replace all references to the "Rickenbacker ANGB" with "Rickenbacker Airport."

Dayton, General Airport South, OH: The airspace description is revised to replace the reference to the "Dayton, General Airport South" and the reference to the "General Airport South" with "Dayton General Airport South."

Dayton, OH: The airspace description is revised, because the McGuire VOR has been decommissioned and was used to define two extensions. It is also

revised to replace all references to the "James M. Cox-Dayton International Airport" with "James M Cox Dayton International Airport."

Hamilton, OH: The airspace description is revised to clarify that the extension based on the 280° bearing from the Hamilton NDB extends from the 6.4-mile radius of the Hamilton-Fairfield Airport to 10 miles west of the NDB. In addition, the reference to the "Cincinnati, OH Transition Area" is replaced with the "Covington, KY Transition Area." There is no Cincinnati, OH Transition Area, the airspace is included in the Covington, KY Transition Area.

Lima, OH: The airspace description is revised to replace the reference to the "Lima, Allen County Airport" and the reference to the "Allen County Airport" with "Lima Allen County Airport."

Mansfield, OH: The airspace description is revised to replace all references to the "Mansfield-Lahm Municipal Airport" with "Mansfield Lahm Municipal Airport."

Peebles, OH: The airspace description is revised to replace the reference to the "Salamon, OH Transition Area" with "West Union, OH Transition Area." There is no Salamon, OH Transition Area. The West Union, OH Transition Area covers the airspace surrounding the Alexander Salamon Airport.

Piqua, OH: The airspace description is revised to replace all references to the "Dayton VORTAC" with "Dayton VOR/DME."

Sandusky, OH: The airspace description is revised to replace all references to the "Griffing-Sandusky Airport" with "Griffing Sandusky Airport."

Wapakoneta, OH: The airspace description is revised to replace all references to the "Neil Armstrong Field" with "Neil Armstrong Airport."

Wilmington, OH: The airspace description is revised to replace all references to the "Midwest VOR" with "Midwest VOR/DME."

Sault Sainte Marie, ON: Each distance, which is expressed in statute miles are converted to the nearest nautical mile equivalent. Under this conversion, 8.5 statute miles is converted to 7.4 nautical miles; 1.75 statute miles is converted to 1.5 nautical miles; and 12 statute miles is converted to 10.5 nautical miles. An exclusion is added for the airspace outside the United States and that airspace within the Sault Sainte Marie, Ontario Control Zone within the United States.

Brookings, SD: The airspace description is revised to replace all references to the "Midwest VOR" with "Midwest VOR/DME."

Huron, SD: The airspace description is revised to replace the reference to the "Huron Regional Airport, SD Control Zone" with "Huron, SD Control Zone."

Miller, SD: The airspace description is revised to replace the reference to the "V-15W" with "V-15."

Sioux Falls, SD: The airspace description is revised to replace the reference to the "Joe Foss Field, SD Control Zone" with "Sioux Falls, SD Control Zone."

Watertown, SD: The airspace description is revised to delete the extension area based on the north localizer course of Watertown Municipal Airport and to reduce the size of the airspace area that extends upward from 1,200 feet above the surface. It is also revised to replace the reference to the "Watertown Municipal Airport, SD Control Zone" with "Watertown, SD Control Zone."

Minocqua-Woodruff, WI: The airspace description is revised to replace all references to the "Noble F. Lee Memorial Field Airport" with "Lakeland/Noble F. Lee Memorial Field Airport."

Sparta, WI: The airspace description is revised to replace the reference to the "Sparta, Fort McCoy Airport" and the reference to the "Fort McCoy Airport" with "Sparta/Fort McCoy Airport."

Wisconsin Rapids, WI: The airspace description is revised to replace all references to "Southwood" with "South Wood."

FAA Region: New England

Hartford, CT: The airspace description is revised to replace all references to the "Hartford, Brainard Airport" with "Hartford-Brainard Airport" and to replace all references to the "6.6-mile radius" of the Rentschler Airport with "7.1-mile radius."

Auburn, ME: The airspace description is revised to replace all references to the "Auburn-Lewiston Municipal Airport" with "Auburn/Lewiston Municipal Airport," and to replace all references to the "LEWIE NDB" with "LEWIE LOM."

Bar Harbor, ME: The airspace description is revised to replace all references to the "Bar Harbor, Hancock County Airport" with "Hancock County-Bar Harbor Airport," and to replace all references to the "SURRY NDB" with "SURRY LOM/NDB."

Brunswick, ME: The airspace description is revised to replace all references to the "Brunswick Naval Air Station" with "Brunswick NAS," and to replace all references to the "Brunswick VORTAC" with "Brunswick Navy VORTAC."

Kennebunkport, ME: The airspace description is revised to replace all

references to the "Kennebunkport Heliport" with "Walkers Point Heliport."

Portland, ME: The airspace description is revised to replace all references to the "ORHAM NDB" with "ORHAM LOM."

Presque Isle, ME: The airspace description is revised to replace the reference to the "EXCAL OM" with "EXCAL LOM," the reference to the "Caribou, ME Municipal Airport" with "Caribou Municipal Airport," the reference to the "Northern Maine Regional Airport, ME Control Zone" with "Presque Isle, ME Control Zone," and the reference to the Loring Air Force Base, ME Control Zone" with "Limestone, ME Control Zone."

Princeton, ME: The airspace description is revised to include editorial changes. In addition, because the Machias NDB is not referenced in the airspace description, the description is revised to delete the geographic position for the Machias NDB.

Rangeley, ME: The airspace description is revised to replace all references to "Rangeley" with "Rangeley."

Waterville, ME: The airspace description is revised to replace the reference to the "Waterville, Robert LaFleur Airport" with "Waterville Robert LaFleur Airport."

Chicopee Falls, MA: The airspace description is revised to include editorial changes.

Falmouth, MA: The airspace description is revised to replace all references to the "Otis AFB" with "Otis ANGB," all references to the "Hyannis VOR" with "Hyannis VORTAC," and all references to the "Martha's Vineyard VOR" with "Martha's Vineyard VOR/DME." In addition, the description is revised to clarify that the airspace that overlies the Hyannis, MA and the Martha's Vineyard, MA Control Zones is excluded from the transition area only during the specific dates and times those control zones are effective. It is also revised to replace all references to the "Barnstable Municipal Airport" with "Barnstable Municipal Airport-Boardman/Polando Field."

Hopedale, MA: The airspace description is revised to replace all references to the "Hopedale Industrial Airport" with "Hopedale Industrial Park Airport."

Claremont, NH: The airspace description is revised to replace the reference to the "Lebanon Municipal Airport, NH transition Area and the Hartness State Airport, VT Transition Areas" with "Lebanon, NH, and the Springfield, VT Transition Areas."

Concord, NH: The airspace description is revised to include editorial changes, and to clarify that the airspace within 8 miles south and 4 miles north of the Concord VORTAC 300° radial extends from the VORTAC to 16 miles northwest of the VORTAC. In addition, the airspace description is revised to replace the reference to the "Manchester Airport, NH Control Zone and 700 foot Transition Area" with "Manchester, NH Control Zone and Transition Area," and the reference to the "Nashua/Boire Field, NH 700 foot Transition Area" with "Nashua, NH Transition Area."

Manchester, NH: The airspace description is revised to replace the reference to the "Manchester/Grenier Industrial Airpark, NH; Boire Field, NH; Laurence G. Hanscom, Bedford, MA and Lawrence Municipal, MA Control Zones" with "Manchester, NH; Nashua, NH; Bedford MA; and Lawrence, MA Control Zones," and the reference to the "Boston, MA and Newburyport/Plum Island, MA 700 foot Transition Areas" with "Boston, MA, and Newburyport, MA Transition Areas."

Nashua, NH: The airspace description is revised to replace the reference to the "Boire Field, NH; Manchester/Grenier Industrial Airpark, NH, and Lawrence Municipal, MA Control Zones" with "Nashua, NH; Manchester, NH; and Lawrence, MA Control Zones," and the reference to the "Manchester/Grenier Industrial Airpark, NH, and Boston, MA 700 foot Transition Areas" with "Manchester, NH, and Boston, MA Transition Areas."

Portsmouth, NH: The airspace description is revised to replace all references to the "Pease ANGB" with "Pease International Tradeport" and to replace the reference to the "700 foot Transition Areas" with "Transition Areas."

Block Island, RI: The airspace description is revised to replace all references to the "Block Island Airport" with "Block Island State Airport," and all references to the "Sandy Point VORTAC" with "Sandy Point VOR/DME."

Providence, RI: The airspace description is revised to replace all references to "Theodore Francis Green Airport" with "Theodore Francis Green State Airport."

Burlington, VT: The airspace description is revised to replace the reference to "the Burlington International Airport, VT and the Clinton County Airport, NY Control Zones" with "the Burlington, VT and the Plattsburgh, NY Control Zones," and the reference to the "Clinton County, NY 700

foot Transition Area" with "Plattsburgh, NY Transition Area."

Montpelier, VT: The airspace description is revised to include editorial changes, to replace the reference to the "Montpelier, Edward F. Knapp State Airport, VT" with "Barre-Montpelier, Edward F. Knapp State Airport, VT," to replace all references to the "Montpelier VOR" with "Montpelier VOR/DME, and to replace the reference to the "Edward F. Knapp State Airport, VT Control Zone" with "Montpelier, VT Control Zone."

Morrisville, VT: The airspace description is revised to replace all references to the "Stowe State Airport" with "Morrisville-Stowe State Airport, and to replace the reference to the "Morrisville NDB" with "Morrisville-Stowe NDB."

Springfield, VT: The airspace description is revised to replace all references to the "Hartness State Airport" with "Hartness State (Springfield) Airport."

FAA Region: Northwest Mountain

Denver, Stapleton International Airport, CO: The airspace description is revised to replace the reference to "lat. 41°00'00" N." with "the Colorado-Nebraska State Boundary" and to replace the reference "by the Colorado-Nebraska State Boundary" with "along the Colorado-Nebraska State Boundary."

Durango, CO: The airspace description is revised to amend the geographic position for the airspace boundary for charting purposes. In addition, the description is revised to replace the reference "excluding other airspace which overlaps" with "excluding the airspace within the Farmington, NM Control Zone and Transition Area, the Durango, CO Control Zone during the specific dates and times it is effective, and all Federal Airways."

Montrose, CO: The airspace description is revised to replace all references to the "Montrose County Airport" with "Montrose Regional Airport."

Trinidad, CO: The airspace description is revised to replace all references to the "Las Animas County Airport" with "Perry Stokes Airport."

Lewiston, ID: The airspace description is revised to amend the geographic position for the point that connects to the 14.4-mile radius of the Lewiston VOR/DME, because the current point of measurement is 1/2 of a mile from the 14.4-mile radius.

Twin Falls, ID: The airspace description is revised by ensuring the extension based on the Twin Falls 086°

and 281° radials meets the associated control zone.

Anaconda, MT: The airspace description is revised to replace all references to the "Anaconda Airport" with "Bowman Field."

Billings, MT: The airspace description is revised to replace the reference "excluding the portion that overlies V-2," with "excluding the portions that overlie Federal Airways;" and to replace the reference "excluding those portions of V-187 and V-19 that have 1,200-foot AGL floors," with "excluding that portion within the Powell, WY Transition Area, and those portions of V-187 and V-19 that have 1,200-foot AGL floors."

Livingston, MT: The airspace description is revised to clarify that the Livingston, MT Transition Area overlies the Mission Field when the Livingston, MT Control Zone is not in effect. Due to the addition of the airspace area within a 4.3-mile radius of Mission Field, an exclusion is also added that excludes that airspace within the Livingston, MT Control Zone during the specific dates and times the control zone is effective.

Sidney, MT: The airspace description is revised to begin the extension area based on the 356° bearing from the Sidney NDB at the NDB, to begin the extension area based on the 215° bearing from the Sidney NDB at the NDB, and to add an exclusion for the airspace within the Wolf Point, MT Transition Area.

West Yellowstone, MT: The airspace description is revised to replace all references to the "West Yellowstone Airport" with "West Yellowstone, Yellowstone Airport."

Astoria, OR: The airspace description is revised by reducing the length of a radius from the Port of Astoria Airport from 4.3 miles to 4 miles, which is used in the airspace description for the Astoria, OR Control Zone. The airspace description is revised to replace all references to the "Seaside Airport" with "Seaside Municipal Airport."

Eugene, OR: The airspace description is revised to replace all references to "Mahlon Sweet Field" with "Mahlon Sweet Field Airport," because there is a heliport by the same name. In addition, all references to "Corvallis Airport" are replaced with "Corvallis Municipal Airport."

Newport, OR: The airspace description is revised by reducing the length of a radius from the Newport Municipal Airport from 4.3 miles to 4 miles, which is used in the airspace description for the Newport, OR Control Zone.

Pendleton, OR: The airspace description is revised to replace all references to "Foris NDB" with "Foris LOM/NDB."

Portland, OR: The airspace description is revised to include the airspace within a 4.3-mile radius of McMinnville Municipal Airport in the portion of the transition area that extends upward from 700 feet above the surface. The geographic position for McMinnville Municipal Airport is also added to the airspace description. The airspace description is also revised to clarify the area based on the 215° radial of the Newburg VORTAC that extends from the southern boundary, lat. 45°10'00" N, to 19.8 miles southwest of the Newburg VORTAC.

Saint George, UT: The airspace description is revised to replace the reference to the "St. George VOR/DME 131° radial" with "St. George VOR/DME 131° and 311° radials."

Hoquiam, WA: The airspace description is revised to include editorial changes, and to clarify that the Hoquiam, WA Transition Area overlies Bowerman Airport when the Hoquiam, WA Control Zone is not in effect. The description of the transition area contains airspace within a 4-mile radius of Bowerman Field to correspond with the distance used in the airspace description for the Hoquiam, WA Control Zone. In addition, due to the inclusion of the airspace area surrounding Bowerman Airport, an exclusion is added that excludes that airspace within the Hoquiam, WA Control Zone during the specific dates and times it is effective.

Port Angeles, WA: The airspace description is revised by changing the length of a radius from the William R. Fairchild International Airport from 4.3 miles to 4.1 miles, which is used in the airspace description for the Port Angeles, WA Control Zone. The airspace description is revised to replace all references to the "CGAS Port Angeles" with "Port Angeles CGAS."

Pullman, WA: The airspace description is revised to replace all references to "Pullman-Moscow Regional Airport" with "Pullman/Moscow Regional Airport," and to add an exclusion for the Pullman, WA Control Zone during the specific dates and times it is effective.

Spokane, WA: The airspace description is revised to replace all references to "Mullen Pass" with "Mullan Pass," and to replace the reference "excluding the Pullman Moscow Regional Airport, WA Transition Areas" with "excluding the Pullman, WA Transition Area."

Wenatchee, WA: The airspace description is revised by adding the airspace within a 4-mile radius of Pangborn Memorial Airport. The 4-mile radius is used to correspond with the distance used in the airspace description for the Wenatchee, WA Control Zone. The airspace description is revised to add an exclusion for that airspace within the Wenatchee, WA Control Zone. In addition, the reference to "and that airspace between the 4.3-mile radius of the Pangborn Memorial Airport and the 9.6-mile radius of the Wenatchee VOR/DME bounded by the north edge of V-120 clockwise to the Wenatchee VOR/DME 327° radial," is replaced with "and within a 9.6-mile radius of the Wenatchee VOR/DME extending from 1.2 miles southeast of and parallel to the VOR/DME 304° radial clockwise to the VOR/DME 327° radial." The airspace description is also revised to include editorial changes.

Whidbey Island, WA: The airspace description is revised to make geographic position changes to align the transition area with the adjoining controlled airspace areas.

Yakima, WA: The airspace description is revised to replace all references to the "Yakima Airport" with "Yakima Air Terminal," and to amend the distance of the radius from the Yakima Air Terminal from "4.3 miles" to "4.2 miles." The radius change is made in order to correspond with the radius from Yakima Air Terminal used in the airspace description for the Yakima, WA Control Zone.

Pinedale, WY: The airspace description is revised to replace the reference to the "Big Piney, Marbleton Airport, WY 1,200 foot Transition Area" with "Big Piney, WY 1,200 foot Transition Area."

Powell, WY: The airspace description is revised to make geographic position changes for charting purposes, and to replace the reference to the "Worland Municipal Airport, WY 1,200 foot Transition Area" with "Worland, WY 1,200 foot Transition Area."

Rock Springs, WY: The airspace description is revised to replace the reference to "Rock Springs, Sweetwater County Airport" with "Rock Springs-Sweetwater County Airport."

FAA Region: Southern

Birmingham, AL: The airspace description is revised to delete the exclusion of the airspace within 2.3 miles each side of the ILS localizer northeast course and that airspace within the Birmingham Airport, AL Control Zone.

Fort Rucker, AL: The airspace description is revised to delete the

reference to the airspace within a 5-mile radius of Blackwell Field, Ozark, AL.

Monroeville, AL: The airspace description is revised to replace all references to the "Monroeville County Airport" with "Monroe County Airport."

Crestview, FL: The airspace description is revised to replace all references to the "Kobra NDB" with "Kobra LOM."

Jacksonville, FL: The airspace description is revised to replace all references to the "Jacksonville NAS" with "Jacksonville NAS/Towers Field."

Jupiter, FL: The airspace description is revised to replace all references to the "Gwinn Airport" with "William P Gwinn Airport."

Lakeland, FL: The airspace description is revised to replace all references to the "Lakeland Regional Airport" with "Lakeland Linder Regional Airport."

Miami, FL: The airspace description is revised to replace all references to the "Pompano Beach Airport" with "Pompano Beach Airpark."

Miami, Miami International Airport, FL: The airspace description is revised to add the TM LOM. It is also revised to delete the reference to the Perrine NDB and the extension area based on the Perrine NDB 274° bearing. An extension area 2.4 miles each side of the 267° bearing from the TM LOM is added to the description, which extends from the 7-mile radius of the Miami International Airport to 7 miles west of the LOM.

Pensacola, FL: The airspace description is revised to replace all references to the "Forrest Sherman Field" with "NAS Pensacola, Forrest Sherman Field."

Tampa, FL: The airspace description is revised to replace all references to the "Peter O. Knight Airport" with "Peter O. Knight Airport."

Bainbridge, GA: The airspace description is revised to replace the reference to the "Bainbridge, Decatur County Industrial Airport" and the reference to the "Decatur County Industrial Airport" with "Decatur County Industrial Airpark."

Cedar Springs, GA: The airspace description is revised to replace the reference to the "Great Southern Airport" with "Georgia-Pacific Airport."

Georgia, GA: The airspace description is revised to include only the airspace within the boundary of the State of Georgia and the airspace within 12 miles from and parallel to the shoreline.

Monroe, GA: The airspace description is revised to replace all references to the "Monroe County NDB" with "Monroe NDB."

Bowling Green, KY: The airspace description is revised to replace all references to the "Bowling Green-Warren County Airport" with Bowling Green-Warren County Regional Airport."

Covington, KY: The airspace description is revised to replace all references to the "Cincinnati Municipal-Lunken Field Airport" with "Cincinnati Municipal Airport-Lunken Field", to replace all references to the "Lunken NDB" with "Cincinnati NDB," and to replace all references to the "Blue Ash Airport" with "Cincinnati-Blue Ash Airport."

Falmouth, KY: The airspace description is revised to delete the exclusion of the airspace within the Covington, KY Transition Area. These transition areas no longer overlap.

Fort Campbell, KY: The airspace description is revised to replace all references to the "Snuff NDB" with "Snuff LOM."

Fort Knox, KY: A separate airspace description is added for Godman Army Air Field. The same airspace is currently encompassed in the transition area for Louisville, KY.

Lexington, KY: The airspace description is revised to replace all references to the "Blayd NDB" with "Blayd LOM/NDB."

London, KY: The airspace description is revised to replace all references to the "London-Corbin Airport Magee Field" with "London-Corbin Airport-Magee Field."

Prestonburg, KY: The airspace description was mistakenly omitted from Docket Number 26852 but was listed in NPRM Number 92-5. The airspace description is added to the airspace descriptions in Docket Number 26852.

Somerset, KY: The airspace description is revised to delete the exclusion of the airspace within the Monticello, KY Transition Area. These transition areas no longer overlap.

Lexington, MS: The airspace description is revised to add the geographic position for the Greenwood VORTAC.

Meridian, MS: The airspace description is revised to replace all references to the "NAS Meridian" with "Meridian NAS, McCain Field."

Mississippi, MS: The airspace description is revised to include only the airspace within the boundary of the State of Mississippi and the airspace within 12 miles from and parallel to the shoreline.

Pascagoula, MS: The airspace description is revised to replace all the references to the "Pascagoula, Jackson

County Airport" with "Pascagoula, Trent Lott International."

Bogue, NC: The airspace description is revised to replace all references to the "Bogue MCALF" with "Bogue Field MCALF."

Burlington, NC: The airspace description is revised to replace all references to the "Burlington Municipal Airport" with "Burlington Alamance Regional Airport."

Charlotte, NC: The airspace description is revised to replace all references to the "Bryant Field" with "Rock Hill Municipal/Bryant Field," to replace all references to the "Tryon NDB LOM" with "Tryon LOM," and to replace all references to the "Charlotte ILS Localizer" with "Charlotte/Douglas International ILS Localizer."

Fayetteville, NC: The airspace description is revised to clarify that the Pope AFB ILS localizer extension area is within 8 miles northeast (not northwest as proposed) and 4 miles southeast of the Pope AFB ILS localizer northeast course.

Goldsboro, NC: The airspace description is revised to replace all references to the "Seymour-Johnson AFB" with "Seymour Johnson AFB."

Greensboro, NC: The airspace description is revised to replace all references to the "Greensboro/Piedmont Triad International Airport" with "Piedmont Triad International Airport."

North Carolina, NC: The airspace description is revised to include only that airspace within the boundary of the State of North Carolina and the airspace within 12 NM of and parallel to the shoreline.

Reidsville, NC: The airspace description is revised to replace all references to the "Rockingham County-Shiloh Airport" with "Rockingham County North Carolina Shiloh Airport."

Siler City, NC: The airspace description is revised to replace all references to the "Blair Municipal Airport" with "Siler City Municipal Airport."

Aquidilla, PR: The airspace description is revised to replace all references to the "Mayaguez Airfield" with "Eugenio Maria de Hostos Airfield."

Roosevelt Roads, PR: The airspace description is revised to replace all references to the "Roosevelt Roads NS" with "Roosevelt Roads NS (Ofstie Field)."

Columbia, SC: The airspace description is revised to replace all references to the "Owens Field" with "Columbia Owens Downtown."

Greenville, SC: The airspace description is revised to replace all references to the "Greenville Municipal

Downtown Airport" with "Greenville Downtown Airport."

North, SC: The airspace description is revised to replace all references to the "North AFAF" with "North AF AUX."

South Carolina, SC: The airspace description is revised to include only that airspace within the boundary of the State of South Carolina and the airspace within 12 miles of and parallel to the shoreline.

Springfield, TN: The airspace description is revised to replace the reference to the "Springfield Municipal Airport" with "Springfield Robertson County."

FAA Region: Southwest

Crossett, AR: The airspace description is revised to replace all references to "Crossett Municipal Airport" with "Z M Jack Stell Field."

Flippin, AR: The airspace description is revised to replace all references to the "Flippin VOR" with "Flippin VOR/DME."

Fort Smith, AR: The airspace description is revised to delete the reference to the Fort Smith VORTAC since it is not used in the description.

Harrison, AR: The airspace description is revised to replace all references to the "Harrison VOR" with "Harrison VOR/DME," to replace all references to the "Bakky RBN" with "Bakky NDB."

Hot Springs, AR: The airspace description is revised to replace all references to the "Hot Springs VOR" with "Hot Springs VOR/DME," and to replace all references to the "Hossey RBN" with "Hossey NDB."

Jonesboro, AR: The airspace description is revised to replace all references to the "Jonesboro VOR" with "Jonesboro VOR/DME."

Alexandria, LA: The airspace description is revised to replace the reference to "Esler Regional Airport" with "Alexandria Esler Regional."

Bunkie, LA: The airspace description is revised to amend the radius around the Bunkie Municipal Airport from a 6.3-mile radius to a 6.4-mile radius.

Eunice, LA: The airspace description is revised to amend the radius around the Eunice Airport from a 6.3-mile radius to a 6.4-mile radius.

Intracoastal City, LA: The airspace description is revised to replace all references to the "White Lake VORTAC" with "White Lake VOR/DME."

Lafayette, LA: The airspace description is revised to amend the radius around the Lafayette Regional Airport from a 6.3-mile radius to a 6.4-mile radius. In addition, the radius

around the Abbeville Municipal Airport is amended from a 6.5-mile radius to a 6.4-mile radius.

Louisiana, LA: The airspace description is revised to replace all references to State lines and other boundary markers with the phrase "within the boundary of the State of Louisiana, including that airspace within 12 nautical miles from and parallel to the shoreline of Louisiana."

Monroe, LA: The airspace description is revised to delete the reference to the Monroe ILS localizer because it is not used in the description. The reference to the "Sabar RBN," is replaced with "Sabar LOM."

New Roads, LA: The airspace description is revised to replace all references to the "False River Airport" with "False River Air Park."

Ruston, LA: The airspace description is revised to replace all references to the "Lincoln Parrish RBN" with "Lincoln Parish NDB."

Vivian, LA: The airspace description is revised to replace all references to the "Vivian Municipal Airport" with "Vivian Airport."

Carlsbad, NM: The airspace description is revised to replace all references to the "Cavern City ILS Localizer" with "Cavern City Air Terminal Localizer."

Farmington, NM: The airspace description is revised to delete the exclusion of the airspace within the state of Arizona because the transition area does not extend into the state.

Hobbs, NM: The airspace description is revised to replace the reference to the "Hobbs, Lea County Airport" and the reference to the "Lea County Airport" with "Lea County (Hobbs) Airport."

Zuni, NM: The airspace description is revised to replace the reference to the "Zuni Pueblo, Black Rock Airport" with "Black Rock Airport," and to add the geographic position for the Zuni VORTAC.

Ardmore, OK: The airspace description is revised to delete the Ardmore VORTAC 056° extension area.

Bartlesville, OK: The airspace description is revised to replace all references to the "Bartlesville VOR" with "Bartlesville VOR/DME."

Lawton, OK: The airspace description is revised to replace the reference "Lawton VOR" with "Lawton VOR/DME."

McAlester, OK: The airspace description is revised to replace the reference to the "Wampa RBN" with "Wampa LOM."

Shawnee, OK: The airspace description is revised to extend the radius around the Shawnee Municipal Airport from 6.7 miles to 7.0 miles. The

radius around the Prague Municipal Airport is extended from 6.3 miles to 6.5 miles. The radius around the Chandler Municipal Airport is extended from 6.1 miles to 6.4 miles. The Prague RBN 360° extension is revised to extend from the 6.5-mile radius of the Seminole Municipal Airport. The Tilghman RBN 352° extension is revised to extend from the 6.4-mile radius of the Chandler Municipal Airport.

Stillwater, OK: The airspace description is revised to replace all references to the "Stillwater VOR" with "Stillwater VOR/DME."

Alice, TX: The airspace description is revised to delete the Kingsville TACAN 332° extension area, and replace the reference to the "Orange Grove TACAN" with "Navy Orange Grove TACAN."

Amarillo, TX: The airspace description is revised to replace the reference to the "Pande RBN" with "Pande LOM/NDB."

Beeville, TX: The airspace description is revised to delete the Beeville RBN 138° extension area.

Brady, TX: The airspace description is revised to replace the reference to the "Brady RBN" with "Brady NDB."

Brownsville, TX: The airspace description is revised to replace the reference to the "Brownsville International Airport" with "Brownsville/South Padre Island International Airport." The airspace description is revised to replace all references to the "Brownsville International Airport" with "Brownsville/South Padre Island International Airport."

Brownwood, TX: The airspace description is revised to delete the Brownwood VOR 359° extension area.

Burnet, TX: The airspace description is revised to replace all references to the "Burnet Municipal-Kate Craddock Field" with "Burnet Municipal Kate Craddock Field."

Clarendon, TX: The airspace description is revised to clarify that the Clarendon RBN 209° extension area begins at the airport.

Dallas-Fort Worth, TX: The airspace description is revised to delete the Acton VORTAC 024° extension area.

Eagle Lake, TX: The airspace description is revised to replace all references to the "Eagle Lake VOR" with "Eagle Lake VOR/DME."

El Campo, TX: The airspace description is revised to replace all references to the "Eagle Lake VOR" with "Eagle Lake VOR/DME."

Evadale, TX: The airspace description is revised to replace all references to the "Evadale Airport" with "Evadale Landing Strip."

Follett, TX: The airspace description is revised to clarify that the Gage VORTAC 296° and 117° extension areas begin at the airport. The Follett RBN 189° extension area is specified to extend from the RBN.

Freeport, TX: The airspace description is revised by deleting the proposed extensions based on the Scholes VORTAC 220° and 233° radials and establishing extensions based on the Scholes VORTAC 237° and 249° radials. The extension based on the 237° radial will extend from 19 miles southwest of the VORTAC to 25.4 miles southwest of the VORTAC. The extension base on the 249° radial will extend from 15 miles southwest of the VORTAC to 28 miles southwest of the VORTAC.

Harlingen, TX: The airspace description is revised to delete the Rio Grande Valley ILS extension area. The airspace description is revised to replace the reference to the "Sebas RBN" with "Sebas LOM/NDB."

Haskell, TX: The airspace description is revised to clarify that the Haskell RBN 015° extension area extends from the airport.

Hebbronville, TX: The airspace description is revised to replace all references to the "Wyatt Ranch Airport" with "O.S. Wyatt Airport."

Higgins, TX: The airspace description is revised to clarify that the Gage VORTAC 207° and 025° extension areas extend from the airport.

Houston, TX: The airspace description is revised to exclude the airspace within the Anahuac, TX Transition Area. In addition, the description of the southwest boundaries of the transition area are clarified.

Jacksonville, TX: The airspace description is revised to replace all references to the "Frankston VOR" with "Frankston VOR/DME," and to replace all references to the "Cherokee RBN" with "Cherokee County RBN."

Kerrville, TX: The airspace description is revised to delete the geographic position for the Kerrville Localizer, because it is not used in the airspace description. In addition, the airspace description is revised to replace all references to the "Shein LOM" with "Shein LOM/NDB."

Killeen, TX: The airspace description is revised to replace all references to the "Killeen NDB" with "Irish NDB." The airspace description is revised to replace all references to the "Gray VOR" with "Gray VOR/DME."

Larado, TX: The airspace description is revised to change the airspace surrounding Rancho Blanco Airport from a 6.3 mile radius to a 6.6 mile radius.

Lubbock, TX: The airspace description is revised to replace the reference to the "Lubbi RBN" with "Lubbi LOM."

Lufkin, TX: The airspace description is revised to replace all references to the "Lufkin ILS Localizer" with "Angelina County ILS Localizer."

Newgulf, TX: The airspace description is revised to delete the Eagle Lake VORTAC 163° extension area. The airspace description is revised to delete the geographic position for the Eagle Lake VORTAC.

Palestine, TX: The airspace description is revised to replace all references to the "Frankston VOR" with "Frankston VOR/DME."

Rockport, TX: The airspace description is revised to delete the exclusion of the airspace more than 12 miles from a parallel to the shoreline.

Sabine Pass, TX: The airspace description is revised to replace all references to the "Sabine Pass VOR" with "Sabine Pass VOR/DME."

San Angelo, TX: The airspace description is revised to replace all references to the "San Angelo ILS Localizer" with "Mathis Field ILS Localizer."

San Antonio, San Antonio International Airport, TX: The airspace description is revised to clarify that the Castroville RBN 170° extension area extends from the RBN.

Stamford, TX: The airspace description is revised to clarify that the Stamford RBN 176° extension area extends from the airport.

Sulphur Springs, TX: The airspace description is revised to clarify that the Brashear RBN 002° extension area extends from the airport.

Temple, TX: The airspace description is revised to replace all references to the "Temple ILS Localizer" with "Draughon-Miller Localizer."

Texas, TX: The airspace description is revised to replace all references to geographic positions, and other boundary markers with the phrase "within the boundary of the State of Texas, including that airspace within 12 nautical miles from and parallel to the shoreline of Texas." No changes are made to the airspace overlying the State of Texas and excluded from the transition area.

Tyler, TX: The airspace description is revised to replace all references to the "Tyler VOR" with "Tyler VOR/DME," and to replace all references to the "Tyler ILS Localizer" with "Tyler Pounds Field Localizer."

Van Horn, TX: The airspace description is revised to clarify that the Van Horn RBN 053° extension area extends from the airport.

Victoria, TX: The airspace description is revised to replace all references to the "Victoria VOR" with "Victoria VOR/DME."

Weslaco, TX: The airspace description is revised to delete the exclusion of the Mexican airspace.

Wichita Falls, TX: The airspace description is revised to replace all references to the "Sheppard AFB/Wichita Falls Municipal Airport" with "Sheppard AFB-Wichita Falls Municipal Airport."

FAA Region: Western-Pacific

Globe, AZ: The airspace description is revised to replace all references to the "Globe San Carlos Regional Air Facility Radio Beacon" with "Globe NDB."

Heber, AZ: The airspace description is revised to ensure the area meets the boundaries of adjoining airspace areas.

Peach Springs, AZ: The airspace description is revised to include the geographic position for the Grand Canyon VOR/DME.

Portal, AZ: The airspace description for this area is eliminated. The same airspace is encompassed in the transition area entitled New Mexico, NM.

Sedona, AZ: The airspace description is revised to replace all references to the "Sedona RBN" with "Sedona NDB."

Tucson, AZ: The airspace description is revised to ensure the area is aligned with the adjoining controlled airspace.

Yuma, AZ: The airspace description is revised by replacing boundaries based on geographic positions with boundaries based on references to V-135, R-2306C, and R-2306A.

Arcata, CA: The airspace description is revised by replacing the name of the Arcata/Eureka NDB with Abeta NDB. The airspace description is revised to replace all references to the "Murray Airport" with "Murray Field."

Bakersfield, CA: The airspace description is revised to delete the "airspace extending upward from the surface and above within the 5-mile radius of Meadows Field."

Bishop, CA: The airspace description is revised to change the distance from the Bishop VOR 337° radial from 4.3 miles to 4 miles.

Blythe, CA: The airspace description is revised by replacing the boundary based on a 15.6-mile radius from the Blythe Airport with a 15.8-mile radius.

Brawley, CA: The airspace description is revised to delete the reference to NAF El Centro, CA, Airport because the airport is not referenced in the airspace description. The airspace description is revised to replace all references to "Brawley Airport" with "Brawley Municipal Airport."

Chico, CA: The airspace description is revised by reducing the length of a radius from the Chico Municipal Airport from 4.3 miles to 4.1 miles, which is the distance found in the Chico, CA Control Zone. The airspace description is revised to replace all references to the "Chico VOR" with "Chico VOR/DME."

China Lake Naval Air Weapons Station, CA: The airspace description is revised to replace all references to the "China Lake NWC" with "China Lake NAWS/Armitage Field," and all references to the "China Lake NWC TACAN" with "China Lake (Navy) TACAN."

Crows Landing Naval Auxiliary Landing Facility, CA: The airspace description is revised to replace all references to "Patterson Field" with "Patterson Airport."

Davis, CA: The airspace description is revised to replace all references to the "Davis University Airport" with "University Airport."

Delano, CA: The airspace description is deleted because the same airspace is included in the northern section of the Bakersfield, CA Transition Area.

El Centro Naval Air Station, CA: The airspace description is revised to clarify that the floor extends from 700 feet above the surface.

Grass Valley, CA: The airspace description is revised to replace all references to "Marysville VOR" with "Marysville VOR/DME."

Hanford, CA: The airspace description is revised to replace all references to "Visalia VOR" with "Visalia VOR/DME," and to replace all references to "Blair Airport" with "Blair Strip Airport."

Herlong, CA: The airspace description is revised to replace all references to "Amedee VOR" with "Amedee VOR/DME."

Monterey, CA: The airspace description is revised to ensure the boundaries meet each adjoining control zone. It is also revised to clarify the area bounded by V-113.

Oxnard, CA: The airspace description is revised to replace all references to the "Point Mugu NAS" with "Point Mugu NAWS."

Palmdale, CA: The airspace description is revised to delete the reference to the Lancaster NDB, and the airspace that extends upward from the surface.

Point Reyes, CA: The airspace description is revised by specifying that the airspace west of the Point Reyes VORTAC is bounded on the east by the "western edge" of V-199.

Redding, CA: The airspace description is revised to replace the reference to the

"Lassen NDB," and all references to the "Redding NDB" with "Lassen NDB."

Sacramento, CA: The airspace description is revised to replace all references to the "Sacramento McClellan AFB" with "McClellan AFB," and to replace all references to the "Sacramento Mather AFB" with "Mather AFB."

San Francisco, CA: The airspace description is revised to replace all references to "Alameda NAS" with "Alameda NAS (Nimitz Field)."

San Jose, CA: The airspace description is revised to replace all references to the "San Jose Reid-Hillview Airport" with "Reid-Hillview of Santa Clara County Airport."

San Luis Obispo, CA: The airspace description is revised by redefining the extension southwest of the San Luis Obispo County-McChesney Field.

Santa Maria, CA: The airspace description is revised for charting purposes.

Ukiah, CA: The airspace description is revised to include airspace between 17.4 and 20.9 miles from the Red Bluff VORTAC.

Visalia, CA: The airspace description is revised to replace all references to the "Ianni Airport" with "Ianni Strip," and to replace all references to the "Swanson Ranch Airport" with "Swanson Ranch NR1 Airport."

Guam Island, GU: The airspace description is revised by replacing references to geographic positions with references to the 243° bearing of Anderson Air Force Base.

Barking Sands, HI: The airspace description is revised by deleting the reference to the South Kauai VORTAC, which is not used in the airspace description.

Hawaiian Islands, HI: The airspace description is revised by clarifying the area for charting purposes.

Honolulu, Honolulu International Airport, HI: The airspace description is

revised to align the area with the control zone for Honolulu International Airport.

Fallon, NV: The airspace description is revised to replace all references to the "Fallon NAS" with "Fallon NAS (Van Voorhis Field)," and to replace all references to the "Fallon TACAN" with "Fallon Navy TACAN."

Las Vegas, NV: The airspace description is revised to replace all references to the "Grand Canyon VOR" with "Grand Canyon VOR/DME."

Mercury, NV: The airspace description is revised to exclude the airspace in restricted area R-4808N.

Tonopah, NV: The airspace description is revised to clarify that the southern area is bounded by the 083° and 263° radials.

Revisions to proposed airspace areas by updating a geographic position:

| FAA region | Proposed geographic position | Revised geographic position |
|---|--|--|
| Alaskan | | |
| Name and airport or facility: | | |
| Adak, AK: | | |
| Adak NAS Airport..... | Lat. 51°52'46" N., Long. 176°38'37" W..... | Lat. 51°52'58" N., Long. 176°38'41" W. |
| Adak TACAN..... | Lat. 51°52'31" N., Long. 176°40'42" W..... | Lat. 51°52'22" N., Long. 176°40'18" W. |
| Adak NDB..... | Lat. 51°55'01" N., Long. 176°33'09" W..... | Lat. 51°55'06" N., Long. 176°33'52" W. |
| Adak Localizer..... | Lat. 51°52'72" N., Long. 176°39'49" W..... | Lat. 51°52'43" N., Long. 176°39'41" W. |
| Amchitka Island, AK: | | |
| Amchitka Island Airport..... | Lat. 51°22'43" N., Long. 179°15'32" E..... | Lat. 51°22'48" N., Long. 179°16'24" E. |
| Amchitka VORTAC..... | Lat. 51°23'02" N., Long. 179°17'12" E..... | Lat. 51°22'37" N., Long. 179°16'37" E. |
| Bethel, AK: | | |
| Bethel Airport..... | Lat. 60°46'50" N., Long. 161°50'08" W..... | Lat. 60°46'50" N., Long. 161°50'09" W. |
| Emmonak, AK: | | |
| Emmonak Airport..... | Lat. 62°46'00" N., Long. 164°30'00" W..... | Lat. 62°47'10" N., Long. 164°29'19" W. |
| Emmonak VOR/DME..... | Lat. 62°47'01" N., Long. 164°29'01" W..... | Lat. 62°47'03" N., Long. 164°29'07" W. |
| Fairbanks, Eielson Air Force Base, AK: | | |
| Eielson Air Force Base..... | Lat. 64°39'58" N., Long. 147°05'56" W..... | Lat. 64°39'54" N., Long. 147°05'50" W. |
| Eielson TACAN..... | Lat. 64°41'03" N., Long. 147°07'07" W..... | Lat. 64°41'18" N., Long. 147°06'40" W. |
| Galena, AK: | | |
| Galena Airport..... | Lat. 64°44'13" N., Long. 156°56'06" W..... | Lat. 64°44'12" N., Long. 156°56'06" W. |
| Bishop NDB..... | Lat. 64°44'17" N., Long. 156°46'23" W..... | Lat. 64°44'17" N., Long. 156°48'23" W. |
| Central | | |
| Name and airport or facility: | | |
| Audubon, IA: | | |
| Audubon County Airport..... | Lat. 41°42'08" N., Long. 94°55'15" W..... | Lat. 41°42'05" N., Long. 94°55'13" W. |
| Boone, IA: | | |
| Boone Municipal Airport..... | Lat. 42°02'58" N., Long. 93°50'51" W..... | Lat. 42°02'59" N., Long. 93°50'50" W. |
| Boone NDB..... | Lat. 42°03'17" N., Long. 93°51'06" W..... | Lat. 42°03'16" N., Long. 93°51'10" W. |
| Chariton, IA: | | |
| Chariton Municipal Airport..... | Lat. 41°01'11" N., Long. 93°21'35" W..... | Lat. 41°01'11" N., Long. 93°21'34" W. |
| Chariton NDB..... | Lat. 41°01'00" N., Long. 93°21'37" W..... | Lat. 41°01'00" N., Long. 93°21'42" W. |
| Charles City, IA: | | |
| Charles City Municipal Airport..... | Lat. 43°04'22" N., Long. 92°36'37" W..... | Lat. 43°04'21" N., Long. 92°36'38" W. |
| Charles City NDB..... | Lat. 43°04'18" N., Long. 92°36'35" W..... | Lat. 43°04'07" N., Long. 92°36'29" W. |
| Marshalltown, IA: | | |
| Marshalltown NDB..... | Lat. 42°06'37" N., Long. 92°55'00" W..... | Lat. 42°06'36" N., Long. 92°55'00" W. |
| Shenandoah, IA: | | |
| Shenandoah Municipal Airport..... | Lat. 40°45'09" N., Long. 95°24'53" W..... | Lat. 40°45'08" N., Long. 95°24'53" W. |
| Webster City, IA: | | |
| Webster City NDB..... | Lat. 42°26'25" N., Long. 93°52'00" W..... | Lat. 42°26'29" N., Long. 93°52'09" W. |
| Clay Center, KS: | | |
| Clay Center NDB..... | Lat. 39°22'50" N., Long. 97°09'40" W..... | Lat. 39°22'51" N., Long. 97°09'39" W. |
| Hugoton, KS: | | |
| Hugoton NDB..... | Lat. 37°09'49" N., Long. 101°22'25" W..... | Lat. 37°09'49" N., Long. 101°22'27" W. |
| Olathe, Johnson County Executive Airport, KS: | | |
| Johnson County Executive Airport..... | Lat. 38°50'51" N., Long. 94°44'15" W..... | Lat. 38°50'51" N., Long. 94°44'14" W. |
| Pittsburg, KS: | | |
| Atkinson Municipal Airport..... | Lat. 37°26'48" N., Long. 94°43'50" W..... | Lat. 37°26'51" N., Long. 94°43'51" W. |

| FAA region | Proposed geographic position | Revised geographic position |
|--|--|--|
| Wichita Mid Continent Airport, KS: Wichita McConnell Air Force Base..... | Lat. 37°37'26" N., Long. 97°15'51" W..... | Lat. 37°37'23" N., Long. 97°16'02" W. |
| Ava, MO: Bilmar NDB..... | Lat. 36°58'11" N., Long. 92°40'58" W..... | Lat. 36°58'11" N., Long. 92°40'38" W. |
| Boonville, MO: Jesse Viertel Memorial Airport..... | Lat. 38°56'50" N., Long. 92°41'19" W..... | Lat. 38°56'45" N., Long. 92°40'57" W. |
| Bowling Green, MO: Bowling Green Municipal Airport..... | Lat. 39°22'11" N., Long. 91°13'06" W..... | Lat. 39°22'12" N., Long. 91°13'09" W. |
| Brookfield, MO: General John J. Pershing Memorial Airport..... | Lat. 39°45'40" N., Long. 93°06'15" W..... | Lat. 39°45'45" N., Long. 93°06'19" W. |
| Butler, MO: Butler Memorial Airport..... | Lat. 38°17'13" N., Long. 94°20'24" W..... | Lat. 38°17'23" N., Long. 94°20'24" W. |
| Chillicothe Municipal Airport..... | Lat. 39°46'45" N., Long. 93°30'00" W..... | Lat. 39°46'55" N., Long. 93°29'46" W. |
| Fort Leonard Wood, MO: Forney Army Air Field..... | Lat. 37°44'30" N., Long. 92°08'26" W..... | Lat. 37°44'31" N., Long. 92°08'24" W. |
| Fulton, MO: Elton Hensley Memorial Airport..... | Lat. 38°50'22" N., Long. 92°00'17" W..... | Lat. 38°50'23" N., Long. 92°00'15" W. |
| Joplin, MO: Joplin Regional Airport..... | Lat. 37°08'58" N., Long. 94°29'54" W..... | Lat. 37°09'02" N., Long. 94°29'53" W. |
| Lee's Summit, MO: Lee's Summit Municipal Airport..... | Lat. 38°57'50" N., Long. 94°22'25" W..... | Lat. 38°57'37" N., Long. 94°22'14" W. |
| Lexington, MO: Lexington Municipal Airport..... | Lat. 39°12'36" N., Long. 93°55'37" W..... | Lat. 39°12'35" N., Long. 93°55'40" W. |
| Maryville, MO: Maryville Memorial Airport..... | Lat. 40°21'00" N., Long. 94°54'45" W..... | Lat. 40°21'09" N., Long. 94°54'55" W. |
| Mexico, MO: Mexico Memorial Airport..... | Lat. 39°09'28" N., Long. 91°49'07" W..... | Lat. 39°09'27" N., Long. 91°49'05" W. |
| Moberly, MO: Omar N. Bradley Airport..... | Lat. 39°27'50" N., Long. 92°25'35" W..... | Lat. 39°27'50" N., Long. 92°25'39" W. |
| Monroe City, MO: Monroe City Regional Airport..... | Lat. 39°38'05" N., Long. 91°43'40" W..... | Lat. 39°38'04" N., Long. 91°43'37" W. |
| Sedalia, MO: Sedalia Memorial Airport..... | Lat. 38°42'15" N., Long. 93°11'00" W..... | Lat. 38°42'15" N., Long. 93°10'33" W. |
| Saint Louis, MO: St. Charles County Smartt Airport..... | Lat. 38°55'43" N., Long. 90°25'41" W..... | Lat. 38°55'47" N., Long. 90°25'47" W. |
| Trenton, MO: Trenton Municipal Airport..... | Lat. 40°05'03" N., Long. 93°35'26" W..... | Lat. 40°05'01" N., Long. 93°35'26" W. |
| Warrensburg, MO: Skyhaven Airport..... | Lat. 38°46'55" N., Long. 93°48'09" W..... | Lat. 38°47'03" N., Long. 93°48'08" W. |
| Washington, MO: Washington Memorial Airport..... | Lat. 38°35'32" N., Long. 90°59'52" W..... | Lat. 38°35'30" N., Long. 90°59'51" W. |
| Wentzville, MO: Wentzville Airport..... | Lat. 38°49'15" N., Long. 90°50'05" W..... | Lat. 38°49'17" N., Long. 90°50'02" W. |
| Scottsbluff, NE: William B. Heilig Field Airport..... | Lat. 41°52'34" N., Long. 103°35'53" W..... | Lat. 41°52'27" N., Long. 103°35'43" W. |
| Eastern | | |
| Name and airport or facility: | | |
| Dover, DE: Dover TACAN..... | Lat. 39°07'54" N., Long. 75°28'08" W..... | Lat. 39°07'56" N., Long. 75°28'04" W. |
| Delaware Airpark..... | Lat. 39°13'06" N., Long. 75°35'50" W..... | Lat. 39°13'06" N., Long. 75°35'48" W. |
| Laurel, DE: Laurel Airport..... | Lat. 38°32'30" N., Long. 75°35'30" W..... | Lat. 38°32'30" N., Long. 75°35'40" W. |
| Wilmington, DE: New Castle County Airport..... | Lat. 39°40'42" N., Long. 75°36'25" W..... | Lat. 39°40'43" N., Long. 75°36'25" W. |
| Summit Airpark..... | Lat. 39°31'17" N., Long. 75°43'17" W..... | Lat. 39°31'13" N., Long. 75°43'15" W. |
| Aberdeen, MD: Phillips Army Air Field..... | Lat. 39°28'00" N., Long. 76°10'12" W..... | Lat. 39°27'58" N., Long. 76°10'12" W. |
| Easton, MD: Easton Municipal Airport..... | Lat. 38°48'19" N., Long. 76°04'08" W..... | Lat. 38°48'15" N., Long. 76°04'10" W. |
| Easton NDB..... | Lat. 38°48'16" N., Long. 76°04'11" W..... | Lat. 38°48'17" N., Long. 76°04'11" W. |
| Edgewood, MD: Weide Army Air Field..... | Lat. 39°23'30" N., Long. 76°17'30" W..... | Lat. 39°23'31" N., Long. 76°17'29" W. |
| Frederick, MD: Frederick Municipal Airport..... | Lat. 39°24'56" N., Long. 77°22'34" W..... | Lat. 39°25'03" N., Long. 77°22'29" W. |
| Patuxent River, MD: Patuxent VORTAC..... | Lat. 38°17'26" N., Long. 76°24'03" W..... | Lat. 38°17'16" N., Long. 76°24'02" W. |
| Millville, NJ: Millville Municipal Airport..... | Lat. 39°22'05" N., Long. 74°04'28" W..... | Lat. 39°22'05" N., Long. 74°04'26" W. |
| Ocean City, NJ: Ocean City Municipal Airport..... | Lat. 38°15'49" N., Long. 74°36'28" W..... | Lat. 39°15'49" N., Long. 74°36'28" W. |
| Babylon, NY: Republic Airport..... | Lat. 40°43'43" N., Long. 72°24'50" W..... | Lat. 40°43'43" N., Long. 73°24'50" W. |
| Grumman-Bethpage Airport..... | Lat. 40°44'48" N., Long. 73°29'36" W..... | Lat. 40°44'45" N., Long. 73°29'30" W. |
| Binghamton, NY: Edwin A. Link Field/Broome County Airport..... | Lat. 42°12'27" N., Long. 75°58'46" W..... | Lat. 42°12'30" N., Long. 75°58'48" W. |
| Brockport, NY: Ledgesdale Airpark..... | Lat. 43°10'52" N., Long. 77°54'49" W..... | Lat. 43°10'52" N., Long. 77°54'50" W. |
| Calverton, NY: Calverton Naval Weapons Industrial Reserve Plant (Peconic)..... | Lat. 40°55'46" N., Long. 72°47'58" W..... | Lat. 40°55'54" N., Long. 72°47'33" W. |

| FAA region | Proposed geographic position | Revised geographic position |
|--|---|---------------------------------------|
| Plattsburgh, NY: | | |
| Plattsburgh Air Force Base..... | Lat. 44°39'08" N., Long. 73°28'06" W..... | Lat. 44°39'03" N., Long. 73°28'06" W. |
| Valcour TACAN..... | Lat. 44°36'30" N., Long. 73°26'36" W..... | Lat. 44°36'31" N., Long. 73°26'39" W. |
| Potsdam, NY: | | |
| Potsdam Municipal Airport (Damon Field)..... | Lat. 44°40'34" N., Long. 74°56'59" W..... | Lat. 44°40'36" N., Long. 74°56'56" W. |
| Red Hook, NY: | | |
| Skypark Airport..... | Lat. 41°59'05" N., Long. 73°50'11" W..... | Lat. 41°59'10" N., Long. 73°50'14" W. |
| Romulus, NY: | | |
| Seneca Army Air Field..... | Lat. 42°42'54" N., Long. 76°53'00" W..... | Lat. 42°42'55" N., Long. 76°52'57" W. |
| Utica, NY: | | |
| Griffiss Air Force Base..... | Lat. 43°14'00" N., Long. 75°24'24" W..... | Lat. 43°14'02" N., Long. 75°24'27" W. |
| Downington, PA: | | |
| Bob Shannon Memorial Field Airport..... | Lat. 39°58'53" N., Long. 75°44'27" W..... | Lat. 39°58'56" N., Long. 75°44'28" W. |
| Erie, PA: | | |
| Erie International Airport..... | Lat. 42°04'54" N., Long. 80°10'38" W..... | Lat. 42°04'55" N., Long. 80°10'35" W. |
| Chesapeake, VA: | | |
| Chesapeake Municipal Airport..... | Lat. 36°39'47" N., Long. 76°19'21" W..... | Lat. 36°39'51" N., Long. 76°19'20" W. |
| Dahlgren, VA: | | |
| Dahlgren NSWC..... | Lat. 38°19'58" N., Long. 77°02'14" W..... | Lat. 38°19'57" N., Long. 77°02'15" W. |
| Norfolk, VA: | | |
| Norfolk Naval Air Station (Chambers Field)..... | Lat. 36°56'15" N., Long. 76°17'23" W..... | Lat. 36°56'14" N., Long. 76°17'26" W. |
| Langley Air Force Base..... | Lat. 37°05'00" N., Long. 76°21'42" W..... | Lat. 37°04'58" N., Long. 76°21'39" W. |
| Oceana Naval Air Station (Apollo Soucek Field).... | Lat. 36°49'24" N., Long. 76°01'54" W..... | Lat. 36°49'14" N., Long. 76°02'02" W. |
| Felker Army Air Field..... | Lat. 37°08'00" N., Long. 76°36'36" W..... | Lat. 37°07'57" N., Long. 76°36'33" W. |
| Felker NDB..... | Lat. 37°08'18" N., Long. 76°37'06" W..... | Lat. 37°08'19" N., Long. 76°37'08" W. |
| Quantico, VA: | | |
| Quantico Marine Corps Air Field (Turner Field)..... | Lat. 38°30'15" N., Long. 77°18'24" W..... | Lat. 38°30'06" N., Long. 77°18'21" W. |
| Winchester, VA: | | |
| Winchester Regional..... | Lat. 39°08'33" N., Long. 78°08'36" W..... | Lat. 39°08'36" N., Long. 78°08'41" W. |
| Lewisburg, WV: | | |
| Greenbriar Valley Airport..... | Lat. 37°51'30" N., Long. 80°23'59" W..... | Lat. 37°51'29" N., Long. 80°23'59" W. |
| Great Lakes | | |
| Belvidere, IL: | | |
| Belvidere LTD Airport..... | Lat. 42°19'17" N., Long. 88°50'14" W..... | Lat. 42°19'22" N., Long. 88°50'11" W. |
| Cahokia, IL: | | |
| Cahokia, St. Louis Downtown-Parks Airport..... | Lat. 38°34'17" N., Long. 90°09'26" W..... | Lat. 38°34'14" N., Long. 90°09'22" W. |
| Carmi, IL: | | |
| Carmi Municipal Airport..... | Lat. 38°05'22" N., Long. 88°07'23" W..... | Lat. 38°05'23" N., Long. 88°07'23" W. |
| Centralia, IL: | | |
| Centralia Municipal Airport..... | Lat. 38°30'40" N., Long. 89°05'35" W..... | Lat. 38°30'53" N., Long. 89°05'32" W. |
| Dixon, IL: | | |
| Dixon Municipal Airport-Charles R. Walgreen Field..... | Lat. 41°50'04" N., Long. 89°26'38" W..... | Lat. 41°50'01" N., Long. 89°26'46" W. |
| Dwight, IL: | | |
| Dwight Airport..... | Lat. 41°08'02" N., Long. 88°26'20" W..... | Lat. 41°08'00" N., Long. 88°26'27" W. |
| Effingham, IL: | | |
| Effingham County Memorial Airport..... | Lat. 39°04'29" N., Long. 88°32'12" W..... | Lat. 39°04'13" N., Long. 88°31'59" W. |
| Fairfield, IL: | | |
| Fairfield Municipal Airport..... | Lat. 38°23'00" N., Long. 88°25'00" W..... | Lat. 38°22'43" N., Long. 88°24'41" W. |
| Flora, IL: | | |
| Flora Municipal Airport..... | Lat. 38°39'55" N., Long. 88°27'10" W..... | Lat. 38°39'57" N., Long. 88°27'09" W. |
| Freeport, IL: | | |
| Albertus Airport..... | Lat. 42°14'48" N., Long. 89°34'55" W..... | Lat. 42°14'48" N., Long. 89°34'54" W. |
| Gibson City, IL: | | |
| Gibson City Municipal Airport..... | Lat. 40°29'00" N., Long. 88°16'00" W..... | Lat. 40°29'09" N., Long. 88°16'02" W. |
| Greenville, IL: | | |
| Greenville Airport..... | Lat. 38°50'09" N., Long. 89°22'51" W..... | Lat. 38°50'10" N., Long. 88°22'42" W. |
| Harrisburg, IL: | | |
| Harrisburg-Raleigh Airport..... | Lat. 37°48'45" N., Long. 88°33'00" W..... | Lat. 37°48'41" N., Long. 88°32'56" W. |
| Jacksonville, IL: | | |
| Jacksonville Municipal Airport..... | Lat. 39°46'30" N., Long. 90°14'15" W..... | Lat. 39°46'27" N., Long. 90°14'18" W. |
| Kankakee, IL: | | |
| Greater Kankakee Airport..... | Lat. 41°04'20" N., Long. 87°50'48" W..... | Lat. 41°04'17" N., Long. 87°50'46" W. |
| Kewanee, IL: | | |
| Kewanee Municipal Airport..... | Lat. 41°12'25" N., Long. 89°57'33" W..... | Lat. 41°12'19" N., Long. 89°57'50" W. |
| Lacon, IL: | | |
| Marshall County Airport..... | Lat. 41°01'05" N., Long. 89°23'08" W..... | Lat. 41°01'09" N., Long. 89°23'11" W. |
| Lawrenceville, IL: | | |
| Lawrenceville-Vincennes International Airport..... | Lat. 38°45'35" N., Long. 87°36'27" W..... | Lat. 38°45'51" N., Long. 87°36'20" W. |
| Mount Carmel Municipal Airport..... | Lat. 38°36'24" N., Long. 87°43'34" W..... | Lat. 38°36'23" N., Long. 87°43'36" W. |
| Litchfield, IL: | | |
| Litchfield Municipal Airport..... | Lat. 39°09'50" N., Long. 89°40'36" W..... | Lat. 39°09'59" N., Long. 89°40'29" W. |
| Marion, IL: | | |
| Williamson County Regional Airport..... | Lat. 37°45'13" N., Long. 89°00'45" W..... | Lat. 37°45'11" N., Long. 89°00'42" W. |
| Moline, IL: | | |
| MOLLI LOM..... | Lat. 41°27'04" N., Long. 90°37'16" W..... | Lat. 41°26'57" N., Long. 90°37'06" W. |
| Monee, IL: | | |
| Sanger Airport..... | Lat. 41°22'39" N., Long. 87°40'55" W..... | Lat. 41°22'39" N., Long. 87°40'53" W. |
| Paris, IL: | | |
| Edgar County Airport..... | Lat. 39°42'00" N., Long. 87°40'17" W..... | Lat. 39°42'00" N., Long. 88°40'14" W. |

| FAA region | Proposed geographic position | Revised geographic position |
|--|---|---------------------------------------|
| Paxton, IL: Paxton Airport..... | Lat. 40°26'55" N., Long. 88°07'40" W..... | Lat. 40°26'56" N., Long. 88°07'40" W. |
| Peru, IL: Illinois Valley Regional-Walter A. Duncan Field..... | Lat. 41°21'16" N., Long. 89°09'08" W..... | Lat. 41°21'07" N., Long. 89°09'11" W. |
| Pittsfield, IL: Pittsfield Penstone Municipal Airport..... | Lat. 39°38'22" N., Long. 90°46'51" W..... | Lat. 39°38'22" N., Long. 90°46'46" W. |
| Pontiac Municipal Airport..... | Lat. 40°51'30" N., Long. 88°38'15" W..... | Lat. 40°51'31" N., Long. 88°38'16" W. |
| Rochelle, IL: Airport-Koritz Field..... | Lat. 41°53'37" N., Long. 89°04'33" W..... | Lat. 41°53'35" N., Long. 89°04'42" W. |
| Saint Jacob, IL: Shafer Metro East Airport..... | Lat. 38°44'00" N., Long. 89°48'24" W..... | Lat. 38°43'58" N., Long. 89°48'23" W. |
| Salem, IL: Salem-Leckrone Airport..... | Lat. 38°38'36" N., Long. 88°57'50" W..... | Lat. 38°38'34" N., Long. 88°57'51" W. |
| Salem NDB..... | Lat. 38°38'38" N., Long. 88°58'03" W..... | Lat. 38°38'38" N., Long. 88°58'02" W. |
| Shelbyville, IL: Shelby County Airport..... | Lat. 39°24'38" N., Long. 88°50'43" W..... | Lat. 39°24'37" N., Long. 88°50'43" W. |
| Sparta, IL: Sparta Community-Hunter Field..... | Lat. 38°08'57" N., Long. 89°41'55" W..... | Lat. 38°08'56" N., Long. 89°41'55" W. |
| Vandalia, IL: Vandalia Municipal Airport..... | Lat. 38°59'32" N., Long. 89°09'54" W..... | Lat. 38°59'28" N., Long. 89°09'58" W. |
| Huntington, IN: Huntington Municipal Airport..... | Lat. 40°51'12" N., Long. 85°27'37" W..... | Lat. 40°51'11" N., Long. 85°27'34" W. |
| Indianapolis Terry Airport, IN: Indianapolis Terry Airport..... | Lat. 40°01'53" N., Long. 86°15'05" W..... | Lat. 40°01'50" N., Long. 86°15'05" W. |
| Kendallville, IN: Kendallville Municipal Airport..... | Lat. 41°28'22" N., Long. 85°15'46" W..... | Lat. 41°28'22" N., Long. 85°15'39" W. |
| South Bend, IN: Jerry Tyler Memorial Airport..... | Lat. 41°50'30" N., Long. 86°13'30" W..... | Lat. 41°50'09" N., Long. 86°13'31" W. |
| Wabash, IN: Wabash County Airport..... | Lat. 40°45'43" N., Long. 85°47'57" W..... | Lat. 40°45'43" N., Long. 85°47'56" W. |
| Allegan, MI: Allegan, Padgham Field..... | Lat. 42°31'45" N., Long. 85°49'00" W..... | Lat. 42°31'50" N., Long. 85°49'27" W. |
| Alma, MI: Alma, Gratiot Community Airport..... | Lat. 43°19'15" N., Long. 84°41'12" W..... | Lat. 43°19'20" N., Long. 84°41'17" W. |
| Bad Axe, MI: Bad Axe, Huron County Memorial Airport..... | Lat. 43°47'01" N., Long. 82°59'10" W..... | Lat. 43°47'02" N., Long. 82°59'11" W. |
| Baldwin, MI: Baldwin Municipal Airport..... | Lat. 43°52'35" N., Long. 85°50'25" W..... | Lat. 43°52'32" N., Long. 85°50'27" W. |
| Boyne Falls, MI: Boyne Falls, Boyne Mountain Airport..... | Lat. 45°10'03" N., Long. 84°55'30" W..... | Lat. 45°09'57" N., Long. 84°55'27" W. |
| Cadillac, MI: Cadillac, Wexford County Airport..... | Lat. 44°16'33" N., Long. 85°25'17" W..... | Lat. 44°16'31" N., Long. 85°25'08" W. |
| Caro, MI: Caro Municipal Airport..... | Lat. 43°27'33" N., Long. 83°26'40" W..... | Lat. 43°27'33" N., Long. 83°26'43" W. |
| Charlevoix, MI: Charlevoix Municipal Airport..... | Lat. 45°18'17" N., Long. 85°16'18" W..... | Lat. 45°18'16" N., Long. 85°16'20" W. |
| Charlotte, MI: Charlotte, Fitch H. Beach Airport..... | Lat. 42°34'30" N., Long. 84°48'45" W..... | Lat. 42°34'28" N., Long. 84°48'41" W. |
| Cheboygan, MI: Cheboygan City-County Airport..... | Lat. 45°39'15" N., Long. 84°31'06" W..... | Lat. 45°39'13" N., Long. 84°31'07" W. |
| Coldwater, MI: Coldwater, Branch County Memorial Airport..... | Lat. 41°56'05" N., Long. 85°02'55" W..... | Lat. 41°56'00" N., Long. 85°03'09" W. |
| Drummond Island, MI: Drummond Island Airport..... | Lat. 46°00'40" N., Long. 83°44'45" W..... | Lat. 46°00'31" N., Long. 83°44'47" W. |
| East Tawas, MI: East Tawas, Iosco County Airport..... | Lat. 44°18'48" N., Long. 83°25'24" W..... | Lat. 44°18'46" N., Long. 83°25'20" W. |
| Flint, MI: Linden, Prices Airport..... | Lat. 42°48'25" N., Long. 83°46'20" W..... | Lat. 42°48'27" N., Long. 83°46'29" W. |
| Gladwin, MI: Charles C. Zettel Memorial Airport..... | Lat. 43°58'07" N., Long. 84°28'26" W..... | Lat. 43°58'14" N., Long. 84°28'30" W. |
| Grayling, MI: Grayling Army Air Field..... | Lat. 44°40'49" N., Long. 84°43'49" W..... | Lat. 44°40'49" N., Long. 84°43'44" W. |
| Greenville, MI: Greenville Municipal Airport..... | Lat. 43°08'30" N., Long. 85°15'15" W..... | Lat. 43°08'32" N., Long. 85°15'16" W. |
| Hillsdale, MI: Hillsdale Municipal Airport..... | Lat. 41°55'15" N., Long. 84°35'10" W..... | Lat. 41°55'16" N., Long. 84°35'08" W. |
| Holland, MI: Holland, Park Township Airport..... | Lat. 42°47'46" N., Long. 86°09'41" W..... | Lat. 42°47'45" N., Long. 86°09'43" W. |
| Houghton Lake, MI: Houghton Lake, Roscommon County Airport..... | Lat. 44°21'00" N., Long. 84°40'00" W..... | Lat. 44°21'36" N., Long. 84°40'15" W. |
| Ionia, MI: Ionia County Airport..... | Lat. 42°56'15" N., Long. 85°04'00" W..... | Lat. 42°56'16" N., Long. 85°03'39" W. |
| Lapeer, MI: Lapeer, Dupont-Lapeer Airport..... | Lat. 43°04'01" N., Long. 83°16'16" W..... | Lat. 43°04'01" N., Long. 83°16'21" W. |
| Ludington, MI: Ludington, Mason County Airport..... | Lat. 43°57'50" N., Long. 86°24'31" W..... | Lat. 43°57'45" N., Long. 86°24'28" W. |
| Mackinac Island, MI: Mackinac Island Airport..... | Lat. 45°51'55" N., Long. 84°38'13" W..... | Lat. 45°51'54" N., Long. 84°38'14" W. |
| Manistiquie, MI: Manistiquie, Schoolcraft County Airport..... | Lat. 45°58'30" N., Long. 86°10'36" W..... | Lat. 45°58'29" N., Long. 86°10'18" W. |
| Marquette, MI: Marquette Airport..... | Lat. 43°18'48" N., Long. 83°05'30" W..... | Lat. 43°18'43" N., Long. 83°05'28" W. |

| FAA region | Proposed geographic position | Revised geographic position |
|---|---|---------------------------------------|
| Marshall, MI: Brooks Field..... | Lat. 42°15'04" N., Long. 84°57'19" W..... | Lat. 42°15'04" N., Long. 84°57'20" W. |
| Mason, MI: Mason-Jewett Field..... | Lat. 42°33'57" N., Long. 84°25'31" W..... | Lat. 42°33'57" N., Long. 84°25'27" W. |
| Monroe, MI: Monroe, Custer Airport..... | Lat. 41°56'24" N., Long. 83°26'04" W..... | Lat. 41°56'24" N., Long. 83°26'05" W. |
| Mount Pleasant, MI: Mount Pleasant Municipal Airport..... | Lat. 43°37'15" N., Long. 84°44'00" W..... | Lat. 43°37'18" N., Long. 84°44'15" W. |
| Muskegon, MI: Grand Haven Memorial Airpark..... | Lat. 43°02'00" N., Long. 86°12'00" W..... | Lat. 43°02'03" N., Long. 86°11'53" W. |
| Newberry, MI: Newberry, Luce County Hale Airport..... | Lat. 46°18'39" N., Long. 85°27'22" W..... | Lat. 46°18'38" N., Long. 85°27'22" W. |
| Ontonagon, MI: Ontonagon County Airport..... | Lat. 46°50'47" N., Long. 89°21'29" W..... | Lat. 46°50'44" N., Long. 89°22'01" W. |
| Oscoda, MI: Wurtsmith Air Force Base..... | Lat. 44°27'06" N., Long. 83°23'39" W..... | Lat. 44°27'05" N., Long. 83°23'39" W. |
| Rogers City, MI: Presque Isle County Airport..... | Lat. 45°24'27" N., Long. 83°48'46" W..... | Lat. 45°24'26" N., Long. 83°48'46" W. |
| Saginaw, Harry W. Browne Airport, MI: Harry W. Browne Airport..... | Lat. 43°25'58" N., Long. 83°51'43" W..... | Lat. 43°26'00" N., Long. 83°51'50" W. |
| Saginaw, Harry W. Browne Airport, MI: Harry W. Browne Airport..... | Lat. 43°25'58" N., Long. 83°51'43" W..... | Lat. 43°26'00" N., Long. 83°51'50" W. |
| Saginaw, Tri-City Airport, MI: James Clements Municipal Airport..... | Lat. 43°32'49" N., Long. 83°53'42" W..... | Lat. 43°32'47" N., Long. 83°53'44" W. |
| Jack Barstow Airport..... | Lat. 43°39'45" N., Long. 84°15'45" W..... | Lat. 43°39'46" N., Long. 84°15'41" W. |
| South Haven, MI: South Haven Area Regional Airport..... | Lat. 42°21'15" N., Long. 86°15'45" W..... | Lat. 42°21'06" N., Long. 86°15'19" W. |
| Sparta, MI: Sparta Airport..... | Lat. 43°07'43" N., Long. 85°40'26" W..... | Lat. 43°07'43" N., Long. 85°40'37" W. |
| Tecumseh, MI: Tecumseh, Al Meyers Airport..... | Lat. 42°01'32" N., Long. 83°56'26" W..... | Lat. 42°01'30" N., Long. 83°56'21" W. |
| Three Rivers, MI: Three Rivers Municipal Airport DR Haines..... | Lat. 41°57'31" N., Long. 85°35'40" W..... | Lat. 41°57'35" N., Long. 85°35'36" W. |
| West Branch, MI: West Branch Community Airport..... | Lat. 44°14'41" N., Long. 84°10'48" W..... | Lat. 44°14'41" N., Long. 84°10'47" W. |
| Albert Lea, MN: Albert Lea Municipal Airport..... | Lat. 43°41'00" N., Long. 93°22'00" W..... | Lat. 43°40'54" N., Long. 93°22'01" W. |
| Alexandria, MN: Chandler Field..... | Lat. 45°51'59" N., Long. 95°23'35" W..... | Lat. 45°51'59" N., Long. 95°23'40" W. |
| Austin, MN: Austin Municipal Airport..... | Lat. 43°40'00" N., Long. 92°56'00" W..... | Lat. 43°39'54" N., Long. 92°56'00" W. |
| Benson, MN: Benson Municipal Airport..... | Lat. 45°19'56" N., Long. 95°39'00" W..... | Lat. 45°19'55" N., Long. 95°39'01" W. |
| Blue Earth, MN: Blue Earth Municipal Airport..... | Lat. 43°35'42" N., Long. 94°05'35" W..... | Lat. 43°35'43" N., Long. 94°05'33" W. |
| Buffalo, MN: Buffalo Municipal Airport..... | Lat. 45°09'32" N., Long. 93°50'33" W..... | Lat. 45°09'33" N., Long. 93°50'35" W. |
| Cambridge, MN: Cambridge Municipal Airport..... | Lat. 45°33'30" N., Long. 93°15'52" W..... | Lat. 45°33'31" N., Long. 93°15'52" W. |
| Camp Riley, MN: Ray S. Miller Army Air Field..... | Lat. 46°05'24" N., Long. 94°21'30" W..... | Lat. 46°05'00" N., Long. 94°21'00" W. |
| Cook, MN: Cook Municipal Airport..... | Lat. 47°49'30" N., Long. 92°41'30" W..... | Lat. 47°49'19" N., Long. 92°41'21" W. |
| Crookston, MN: Crookston Municipal Kirkwood Field..... | Lat. 47°50'30" N., Long. 96°37'15" W..... | Lat. 47°50'30" N., Long. 96°37'17" W. |
| Detroit Lakes, MN: Detroit Lakes Airport..... | Lat. 46°49'34" N., Long. 95°53'06" W..... | Lat. 46°49'31" N., Long. 95°53'07" W. |
| Duluth, MN: Sky Harbor Airport..... | Lat. 46°43'18" N., Long. 92°02'36" W..... | Lat. 46°43'19" N., Long. 92°02'36" W. |
| Faribault, MN: Faribault Municipal Airport..... | Lat. 44°19'30" N., Long. 93°18'30" W..... | Lat. 44°19'29" N., Long. 93°18'38" W. |
| Fosston, MN: Fosston Municipal Airport..... | Lat. 47°35'35" N., Long. 95°46'30" W..... | Lat. 47°35'34" N., Long. 95°46'24" W. |
| Glenwood, MN: Glenwood Municipal Airport..... | Lat. 45°38'38" N., Long. 95°19'15" W..... | Lat. 45°38'42" N., Long. 95°19'14" W. |
| Grand Marais, MN: Devils Track Municipal Airport..... | Lat. 47°49'45" N., Long. 90°23'00" W..... | Lat. 47°49'38" N., Long. 90°22'46" W. |
| Hutchinson, MN: Hutchinson Municipal Airport-Butler Field..... | Lat. 44°51'33" N., Long. 94°22'54" W..... | Lat. 44°51'32" N., Long. 94°22'54" W. |
| Jackson, MN: Jackson Municipal Airport..... | Lat. 43°39'00" N., Long. 94°59'00" W..... | Lat. 43°39'00" N., Long. 94°59'11" W. |
| Little Falls, MN: Little Falls-Morrison County Airport..... | Lat. 45°56'56" N., Long. 94°20'44" W..... | Lat. 45°56'58" N., Long. 94°20'49" W. |
| Madison, MN: Madison-Lac Qui Parle Airport..... | Lat. 44°59'11" N., Long. 96°10'43" W..... | Lat. 44°59'11" N., Long. 96°10'39" W. |
| Maple Lake, MN: Maple Lake Municipal Airport..... | Lat. 45°14'10" N., Long. 93°59'05" W..... | Lat. 45°14'10" N., Long. 93°59'07" W. |
| Marshall, MN: Marshall Municipal Airport-Ryan Field..... | Lat. 44°27'01" N., Long. 95°49'25" W..... | Lat. 44°27'00" N., Long. 95°49'19" W. |
| Montevideo, MN: Montevideo-Chippewa Airport..... | Lat. 44°58'30" N., Long. 95°42'15" W..... | Lat. 44°58'09" N., Long. 95°42'36" W. |
| Morris, MN: Morris Municipal Airport..... | Lat. 45°34'00" N., Long. 95°58'00" W..... | Lat. 45°34'00" N., Long. 95°58'02" W. |

| FAA region | Proposed geographic position | Revised geographic position |
|---|--|--|
| New Ulm, MN: | | |
| New Ulm Municipal Airport..... | Lat. 44°19'10" N., Long. 94°30'06" W..... | Lat. 44°19'11" N., Long. 94°30'07" W. |
| Olivia, MN: | | |
| Olivia Regional Airport..... | Lat. 44°46'44" N., Long. 95°01'58" W..... | Lat. 44°46'43" N., Long. 95°01'57" W. |
| Owatonna, MN: | | |
| Owatonna Municipal Airport..... | Lat. 44°07'15" N., Long. 93°15'16" W..... | Lat. 44°07'16" N., Long. 93°15'20" W. |
| Park Rapids, MN: | | |
| Park Rapids Municipal Airport..... | Lat. 46°54'05" N., Long. 95°04'23" W..... | Lat. 46°54'02" N., Long. 95°04'22" W. |
| Pipestone, MN: | | |
| Pipestone Municipal Airport..... | Lat. 43°59'15" N., Long. 96°18'30" W..... | Lat. 43°59'00" N., Long. 96°18'00" W. |
| Red Wing, MN: | | |
| Red Wing Municipal Airport..... | Lat. 44°35'25" N., Long. 92°29'16" W..... | Lat. 44°35'25" N., Long. 92°29'10" W. |
| Redwood Falls, MN: | | |
| Redwood Falls Municipal Airport..... | Lat. 44°32'45" N., Long. 95°04'50" W..... | Lat. 44°32'50" N., Long. 95°04'55" W. |
| Rushford, MN: | | |
| Rushford Municipal Airport..... | Lat. 43°48'57" N., Long. 91°49'49" W..... | Lat. 43°48'57" N., Long. 91°49'48" W. |
| Springfield, MN: | | |
| Springfield Municipal Airport..... | Lat. 44°13'53" N., Long. 94°59'54" W..... | Lat. 44°13'52" N., Long. 94°59'55" W. |
| Staples, MN: | | |
| Staples Municipal Airport..... | Lat. 46°22'48" N., Long. 94°48'08" W..... | Lat. 46°22'51" N., Long. 94°48'23" W. |
| Thief River Falls, MN: | | |
| Thief River Falls Regional Airport..... | Lat. 48°03'53" N., Long. 96°11'01" W..... | Lat. 48°03'56" N., Long. 96°10'59" W. |
| Two Harbors, MN: | | |
| Two Harbors Municipal Airport..... | Lat. 47°03'02" N., Long. 91°44'40" W..... | Lat. 47°02'59" N., Long. 91°44'44" W. |
| Waseca, MN: | | |
| Waseca Municipal Airport..... | Lat. 44°04'24" N., Long. 93°33'10" W..... | Lat. 44°04'25" N., Long. 93°33'10" W. |
| Wheaton, MN: | | |
| Wheaton Municipal Airport..... | Lat. 45°46'48" N., Long. 96°32'40" W..... | Lat. 45°46'50" N., Long. 96°32'36" W. |
| Willmar, MN: | | |
| Willmar Municipal Airport-John L. Rice Field..... | Lat. 45°07'00" N., Long. 95°05'24" W..... | Lat. 45°07'00" N., Long. 95°05'19" W. |
| Windom, MN: | | |
| Windom Municipal Airport..... | Lat. 43°54'48" N., Long. 95°06'37" W..... | Lat. 43°54'48" N., Long. 95°06'33" W. |
| Bismarck, ND: | | |
| Bismarck Municipal Airport..... | Lat. 46°46'37" N., Long. 100°45'03" W..... | Lat. 46°46'27" N., Long. 100°44'51" W. |
| Fargo, ND: | | |
| Fargo VORTAC..... | Lat. 45°45'12" N., Long. 96°51'03" W..... | Lat. 46°45'12" N., Long. 96°51'04" W. |
| Minot, ND: | | |
| Minot International Airport..... | Lat. 48°15'34" N., Long. 101°16'50" W..... | Lat. 48°15'34" N., Long. 101°16'51" W. |
| Minot Air Force Base..... | Lat. 48°24'57" N., Long. 101°21'28" W..... | Lat. 48°24'56" N., Long. 101°21'26" W. |
| Pembina, ND: | | |
| Humbolt VORTAC..... | Lat. 48°52'09" N., Long. 97°07'03" W..... | Lat. 48°52'09" N., Long. 97°07'00" W. |
| Rugby, ND: | | |
| Rugby NDB..... | Lat. 48°23'17" N., Long. 100°01'36" W..... | Lat. 48°23'16" N., Long. 100°01'36" W. |
| Valley City, Barnes County Municipal Airport, ND: | | |
| Barnes County Municipal Airport..... | Lat. 46°56'30" N., Long. 98°00'54" W..... | Lat. 46°56'28" N., Long. 98°01'02" W. |
| Wahpeton, ND: | | |
| Harry Stern Airport..... | Lat. 46°14'47" N., Long. 96°36'23" W..... | Lat. 46°14'42" N., Long. 96°36'26" W. |
| Caldwell, OH: | | |
| Noble County Airport..... | Lat. 39°48'02" N., Long. 81°32'12" W..... | Lat. 39°48'03" N., Long. 81°32'11" W. |
| Cleveland, OH: | | |
| Cleveland Hopkins DME Antenna..... | Lat. 41°24'15" N., Long. 81°51'44" W..... | Lat. 41°24'01" N., Long. 81°52'03" W. |
| Toledo, OH: | | |
| Toledo Express Airport..... | Lat. 41°35'15" N., Long. 83°48'19" W..... | Lat. 41°35'12" N., Long. 83°48'28" W. |
| Youngstown Elser, OH: | | |
| Youngstown Elser Metro Airport..... | Lat. 40°57'37" N., Long. 80°40'56" W..... | Lat. 40°57'37" N., Long. 80°40'36" W. |
| Belle Fourche, SD: | | |
| Belle Fourche Municipal Airport..... | Lat. 44°44'28" N., Long. 103°51'40" W..... | Lat. 44°44'04" N., Long. 103°51'41" W. |
| Huron, SD: | | |
| Huron Regional Airport..... | Lat. 44°23'07" N., Long. 98°13'43" W..... | Lat. 44°23'07" N., Long. 98°13'44" W. |
| Rapid City, SD: | | |
| Rapid City Regional Airport..... | Lat. 44°02'43" N., Long. 103°03'24" W..... | Lat. 44°02'43" N., Long. 103°03'25" W. |
| Sioux Falls, SD: | | |
| Joe Foss Field..... | Lat. 43°38'53" N., Long. 96°44'29" W..... | Lat. 43°34'53" N., Long. 96°44'29" W. |
| Sioux Falls VORTAC..... | Lat. 43°38'59" N., Long. 96°46'51" W..... | Lat. 43°38'58" N., Long. 96°46'51" W. |
| Watertown, SD: | | |
| Watertown Municipal Airport..... | Lat. 44°54'50" N., Long. 97°09'15" W..... | Lat. 44°54'50" N., Long. 97°09'16" W. |
| Camp Douglas, WI: | | |
| Volk Field Airport..... | Lat. 43°56'25" N., Long. 90°15'20" W..... | Lat. 43°56'18" N., Long. 90°16'06" W. |
| Chetek, WI: | | |
| Rice Lake VOR/DME..... | Lat. 45°28'33" N., Long. 91°43'30" W..... | Lat. 45°28'47" N., Long. 91°43'16" W. |
| Hartford, WI: | | |
| Hartford Municipal Airport..... | Lat. 43°20'55" N., Long. 88°23'30" W..... | Lat. 43°20'58" N., Long. 88°23'28" W. |
| Watertown, WI: | | |
| Watertown Municipal Airport..... | Lat. 43°10'17" N., Long. 88°43'14" W..... | Lat. 43°10'11" N., Long. 88°43'23" W. |
| New England | | |
| Danielson, CT: | | |
| Danielson Airport..... | Lat. 41°49'10" N., Long. 71°54'04" W..... | Lat. 41°49'11" N., Long. 71°54'05" W. |
| Groton, CT: | | |
| Groton-New London Airport..... | Lat. 41°19'47" N., Long. 72°02'49" W..... | Lat. 41°19'47" N., Long. 72°02'44" W. |
| Brunswick, ME: | | |
| Brunswick Naval Air Station..... | Lat. 43°53'32" N., Long. 69°56'22" W..... | Lat. 43°53'32" N., Long. 69°56'21" W. |
| Frenchville, ME: | | |
| Northern Arcoostook Regional Airport..... | Lat. 47°17'06" N., Long. 68°18'44" W..... | Lat. 47°17'08" N., Long. 68°18'48" W. |

| FAA region | Proposed geographic position | Revised geographic position |
|---|--|--|
| Frenchville NDB | Lat. 47°16'09" N., Long. 68°15'25" W..... | Lat. 47°16'05" N., Long. 68°15'26" W. |
| Pittsfield, ME: | | |
| Pittsfield Municipal Airport | Lat. 47°46'07" N., Long. 69°22'30" W..... | Lat. 44°46'06" N., Long. 69°22'30" W. |
| Presque Isle, ME: | | |
| Caribou Municipal Airport | Lat. 46°52'14" N., Long. 68°01'06" W..... | Lat. 46°52'17" N., Long. 68°01'06" W. |
| Loring Air Force Base | Lat. 46°57'02" N., Long. 67°53'09" W..... | Lat. 46°57'01" N., Long. 67°53'10" W. |
| Rockland, ME: | | |
| Knox County Regional Airport | Lat. 44°03'36" N., Long. 69°06'01" W..... | Lat. 44°03'37" N., Long. 69°06'01" W. |
| Falmouth, MA: | | |
| Otis Air National Guard Base | Lat. 41°39'33" N., Long. 70°31'24" W..... | Lat. 41°39'30" N., Long. 70°31'19" W. |
| Fort Devens, MA: | | |
| Dickenson NDB | Lat. 42°38'48" N., Long. 71°43'42" W..... | Lat. 42°38'46" N., Long. 71°43'39" W. |
| Mansfield, MA: | | |
| Mansfield Airport | Lat. 42°00'03" N., Long. 71°11'56" W..... | Lat. 42°00'00" N., Long. 71°11'50" W. |
| Mansfield NDB | Lat. 42°00'09" N., Long. 71°11'48" W..... | Lat. 42°00'10" N., Long. 71°11'51" W. |
| Plymouth, MA: | | |
| Plymouth Airport | Lat. 41°54'35" N., Long. 70°43'45" W..... | Lat. 41°54'35" N., Long. 70°43'46" W. |
| Portsmouth, NH: | | |
| Pease International Tradeport | Lat. 43°04'39" N., Long. 70°49'26" W..... | Lat. 43°04'40" N., Long. 70°49'26" W. |
| Block Island, RI: | | |
| Block Island NDB (BID) | Lat. 41°09'58" N., Long. 71°34'46" W..... | Lat. 41°09'58" N., Long. 71°34'48" W. |
| Westerly, RI: | | |
| Westerly NDB (RLS) | Lat. 41°20'42" N., Long. 71°48'55" W..... | Lat. 41°20'40" N., Long. 71°48'53" W. |
| Northwest Mountain | | |
| Akron, CO: | | |
| Akron-Washington County Airport | Lat. 40°10'18" N., Long. 103°12'54" W..... | Lat. 40°10'32" N., Long. 103°13'18" W. |
| Eagle, CO: | | |
| Eagle County Regional Airport | Lat. 39°38'37" N., Long. 106°54'50" W..... | Lat. 39°38'33" N., Long. 106°55'02" W. |
| Steamboat Springs, CO: | | |
| Steamboat Springs/Bob Adams Field | Lat. 40°30'55" N., Long. 106°51'54" W..... | Lat. 40°30'57" N., Long. 106°51'56" W. |
| Jerome, ID: | | |
| Jerome County Airport | Lat. 42°43'36" N., Long. 114°27'22" W..... | Lat. 42°43'36" N., Long. 114°27'23" W. |
| Mountain Home, ID: | | |
| Mountain Home Air Force Base | Lat. 43°02'37" N., Long. 115°52'15" W..... | Lat. 43°02'37" N., Long. 115°52'18" W. |
| Billings, MT: | | |
| Billings Logan International Airport | Lat. 45°48'29" N., Long. 108°32'25" W..... | Lat. 45°48'30" N., Long. 108°32'35" W. |
| Glendive, MT: | | |
| Dawson Community Airport | Lat. 47°08'16" N., Long. 104°48'18" W..... | Lat. 47°08'19" N., Long. 104°48'24" W. |
| Miles City, MT: | | |
| Horton NDB | Lat. 46°24'44" N., Long. 105°56'15" W..... | Lat. 46°24'44" N., Long. 105°56'16" W. |
| Pendleton, OR: | | |
| Hermiston Airport | Lat. 45°49'41" N., Long. 119°15'33" W..... | Lat. 45°49'42" N., Long. 119°15'29" W. |
| Blanding, UT: | | |
| Blanding Municipal Airport | Lat. 37°35'00" N., Long. 109°29'00" W..... | Lat. 37°34'59" N., Long. 109°28'57" W. |
| Blanding NDB | Lat. 37°31'03" N., Long. 109°29'31" W..... | Lat. 37°31'03" N., Long. 109°29'32" W. |
| Moses Lake, WA: | | |
| Fairchild Air Force Base | Lat. 47°36'55" N., Long. 117°39'20" W..... | Lat. 47°36'54" N., Long. 117°39'25" W. |
| Spokane, WA: | | |
| Fairchild Air Force Base | Lat. 47°36'55" N., Long. 117°39'17" W..... | Lat. 47°36'54" N., Long. 117°39'25" W. |
| Wenatchee, WA: | | |
| Fancher Field | Lat. 47°26'55" N., Long. 120°16'40" W..... | Lat. 47°27'00" N., Long. 120°17'00" W. |
| Newcastle, WY: | | |
| Ellsworth Air Force Base | Lat. 44°08'45" N., Long. 103°06'15" W..... | Lat. 44°08'42" N., Long. 103°06'11" W. |
| Powell, WY: | | |
| Powell Municipal Airport | Lat. 44°52'10" N., Long. 108°47'06" W..... | Lat. 44°52'05" N., Long. 108°47'32" W. |
| Powell NDB | Lat. 44°51'52" N., Long. 108°47'06" W..... | Lat. 44°52'01" N., Long. 108°47'08" W. |
| Southern | | |
| Albertville, AL: | | |
| Albertville Municipal Airport-Thomas J. Brumlik Field | Lat. 34°13'45" N., Long. 86°15'21" W..... | Lat. 34°13'44" N., Long. 86°15'21" W. |
| Fort Payne, AL: | | |
| Isbell Field Airport | Lat. 34°28'20" N., Long. 85°43'25" W..... | Lat. 34°28'22" N., Long. 85°43'20" W. |
| Bonifay, FL: | | |
| Tri-County Airport | Lat. 30°50'45" N., Long. 85°36'05" W..... | Lat. 30°50'43" N., Long. 85°36'06" W. |
| Choctaw Outlying Field, FL: | | |
| OLF Choctaw Airport | Lat. 30°30'26" N., Long. 86°57'20" W..... | Lat. 30°30'00" N., Long. 86°57'00" W. |
| Cross City, FL: | | |
| Cross City Airport | Lat. 29°38'03" N., Long. 83°06'22" W..... | Lat. 29°38'04" N., Long. 83°06'21" W. |
| Jacksonville, FL: | | |
| Jacksonville Naval Air Station | Lat. 30°14'06" N., Long. 81°40'30" W..... | Lat. 30°14'04" N., Long. 81°40'36" W. |
| Cecil Field Naval Air Station | Lat. 30°13'00" N., Long. 81°52'30" W..... | Lat. 30°12'58" N., Long. 81°52'30" W. |
| Mayport Naval Air Station | Lat. 30°23'30" N., Long. 81°25'24" W..... | Lat. 30°23'30" N., Long. 81°25'26" W. |
| Whitehouse NOLF | Lat. 30°21'00" N., Long. 81°52'00" W..... | Lat. 30°21'00" N., Long. 81°53'00" W. |
| Jupiter, FL: | | |
| Gwinn Airport | Lat. 26°54'28" N., Long. 80°19'15" W..... | Lat. 26°54'29" N., Long. 80°19'45" W. |
| Key West, FL: | | |
| Key West Naval Air Station (Boca Chica) | Lat. 24°34'30" N., Long. 81°21'24" W..... | Lat. 24°34'31" N., Long. 81°41'21" W. |
| Lake Wales, FL: | | |
| Lake Wales Municipal Airport | Lat. 27°53'37" N., Long. 21°37'14" W..... | Lat. 27°53'37" N., Long. 81°37'14" W. |

| FAA region | Proposed geographic position | Revised geographic position |
|---|---|---------------------------------------|
| Lakeland, FL: Winter Haven's Gilbert Airport..... | Lat. 28°03'44" N., Long. 81°45'15" W..... | Lat. 28°03'45" N., Long. 81°45'13" W. |
| Miami, FL: Miami International Airport..... | Lat. 25°37'34" N., Long. 80°17'26" W..... | Lat. 25°47'34" N., Long. 80°17'26" W. |
| Homestead Air Force Base..... | Lat. 25°29'15" N., Long. 80°23'00" W..... | Lat. 25°29'17" N., Long. 80°23'02" W. |
| Fort Lauderdale-Hollywood International Airport..... | Lat. 26°04'19" N., Long. 80°09'13" W..... | Lat. 26°04'20" N., Long. 80°09'11" W. |
| Milton, FL: OLF Santa Rosa (Navy) Airport..... | Lat. 30°36'00" N., Long. 86°56'00" W..... | Lat. 30°36'00" N., Long. 86°57'00" W. |
| Orlando, FL: Kissimmee Municipal Airport..... | Lat. 28°17'23" N., Long. 81°26'14" W..... | Lat. 28°17'23" N., Long. 81°26'15" W. |
| Panama City, FL: Tyndall Air Force Base..... | Lat. 30°04'12" N., Long. 85°34'36" W..... | Lat. 30°04'11" N., Long. 85°34'34" W. |
| Pensacola, FL: Forrest Sherman Field..... | Lat. 30°21'12" N., Long. 87°19'12" W..... | Lat. 30°21'10" N., Long. 87°19'13" W. |
| Naval Air Station Pensacola TACAN..... | Lat. 30°21'30" N., Long. 87°19'00" W..... | Lat. 30°21'29" N., Long. 87°19'00" W. |
| Sanford, FL: Central Florida Regional Airport..... | Lat. 28°46'43" N., Long. 81°14'17" W..... | Lat. 28°46'43" N., Long. 81°14'19" W. |
| Tallahassee, FL: Tallahassee Regional Airport..... | Lat. 30°23'45" N., Long. 84°21'02" W..... | Lat. 30°23'47" N., Long. 84°21'02" W. |
| Vero Beach, FL: St. Lucie County International Airport..... | Lat. 27°29'41" N., Long. 80°22'08" W..... | Lat. 27°29'41" N., Long. 80°22'07" W. |
| Atlanta, GA: Dobbins Air Force Base..... | Lat. 33°54'54" N., Long. 84°31'00" W..... | Lat. 33°54'55" N., Long. 84°30'59" W. |
| Macon, GA: Robins Air Force Base..... | Lat. 32°38'24" N., Long. 83°35'30" W..... | Lat. 32°38'24" N., Long. 83°35'31" W. |
| Montezuma, GA: Dr. CP Savage Sr. Airport..... | Lat. 32°18'15" N., Long. 84°00'27" W..... | Lat. 32°18'06" N., Long. 84°00'27" W. |
| Savannah, GA: Savannah International Airport..... | Lat. 32°07'39" N., Long. 81°12'09" W..... | Lat. 32°07'38" N., Long. 81°12'09" W. |
| Hunter Army Air Field..... | Lat. 32°00'36" N., Long. 81°08'48" W..... | Lat. 32°00'34" N., Long. 81°08'45" W. |
| Thomaston, GA: Reginald Grant Memorial Airport..... | Lat. 32°56'26" N., Long. 84°20'25" W..... | Lat. 32°56'26" N., Long. 84°20'26" W. |
| Covington, KY: Cincinnati Municipal Airport-Lunken Field..... | Lat. 39°06'12" N., Long. 84°25'06" W..... | Lat. 39°06'12" N., Long. 84°25'08" W. |
| Clermont County Airport..... | Lat. 39°04'42" N., Long. 84°12'38" W..... | Lat. 39°04'41" N., Long. 84°12'38" W. |
| Louisville, KY: Standiford Field Airport..... | Lat. 39°10'29" N., Long. 85°44'11" W..... | Lat. 38°10'29" N., Long. 85°44'11" W. |
| Murray, KY: Kyle-Oakley Field Airport..... | Lat. 36°39'53" N., Long. 88°22'20" W..... | Lat. 36°39'56" N., Long. 88°22'18" W. |
| Calloway NDB..... | Lat. 36°39'49" N., Long. 88°22'06" W..... | Lat. 36°39'47" N., Long. 88°22'05" W. |
| Clarksdale, MS: Fletcher Field Airport..... | Lat. 34°17'50" N., Long. 90°30'48" W..... | Lat. 34°17'59" N., Long. 90°30'44" W. |
| Columbus, MS: Columbus Air Force Base..... | Lat. 33°38'38" N., Long. 88°26'39" W..... | Lat. 33°38'37" N., Long. 88°26'38" W. |
| Grenada, MS: Grenada Municipal Airport..... | Lat. 33°49'54" N., Long. 89°47'52" W..... | Lat. 33°49'57" N., Long. 89°47'53" W. |
| Gulfport, MS: Kessler Air Force Base..... | Lat. 30°24'42" N., Long. 88°55'24" W..... | Lat. 30°24'40" N., Long. 88°55'25" W. |
| Meridian, MS: Joe Williams OLF..... | Lat. 32°47'33" N., Long. 88°49'40" W..... | Lat. 32°47'46" N., Long. 88°49'54" W. |
| Meridian Naval Air Station..... | Lat. 32°33'06" N., Long. 88°33'18" W..... | Lat. 32°33'07" N., Long. 88°33'20" W. |
| Cherry Point, NC: Cherry Point Marine Corps Air Station..... | Lat. 34°54'12" N., Long. 76°52'54" W..... | Lat. 34°54'09" N., Long. 76°52'53" W. |
| Fayetteville, NC: Fayetteville Regional/Grannis Field..... | Lat. 34°59'26" N., Long. 78°52'50" W..... | Lat. 34°59'29" N., Long. 78°52'49" W. |
| Pope Air Force Base..... | Lat. 35°09'58" N., Long. 79°01'03" W..... | Lat. 35°10'15" N., Long. 79°00'23" W. |
| Greensboro, NC: Greensboro/Piedmont Triad International Airport..... | Lat. 36°05'47" N., Long. 79°56'21" W..... | Lat. 36°05'51" N., Long. 79°56'15" W. |
| Hickory, NC: Hickory Regional Airport..... | Lat. 35°44'30" N., Long. 81°23'20" W..... | Lat. 35°44'28" N., Long. 81°23'23" W. |
| Jacksonville, NC: New River Marine Corps Air Station..... | Lat. 34°42'30" N., Long. 77°26'30" W..... | Lat. 34°42'38" N., Long. 77°26'22" W. |
| Lincolnton, NC: Lincolnton County Airport..... | Lat. 35°29'01" N., Long. 81°09'39" W..... | Lat. 35°29'01" N., Long. 81°09'40" W. |
| Mackall Army Air Field, NC: Mackall Army Air Field..... | Lat. 35°02'12" N., Long. 79°29'54" W..... | Lat. 35°02'11" N., Long. 79°29'52" W. |
| Mackall NDB..... | Lat. 35°01'42" N., Long. 79°29'12" W..... | Lat. 35°01'40" N., Long. 79°29'09" W. |
| Oak Grove, NC: Oak Grove HOLF (Navy)..... | Lat. 35°01'15" N., Long. 77°15'12" W..... | Lat. 35°02'00" N., Long. 77°15'00" W. |
| Raleigh, NC: Raleigh-Durham International Airport..... | Lat. 35°52'39" N., Long. 78°47'15" W..... | Lat. 35°52'39" N., Long. 78°47'16" W. |
| Horace Williams Airport..... | Lat. 35°56'05" N., Long. 79°04'02" W..... | Lat. 35°56'06" N., Long. 79°03'58" W. |
| Salisbury, NC: Rowan County Airport..... | Lat. 35°38'39" N., Long. 80°31'16" W..... | Lat. 35°38'45" N., Long. 80°31'14" W. |
| Tarboro, NC: Tarboro-Edgemont Airport..... | Lat. 35°56'13" N., Long. 77°32'49" W..... | Lat. 35°56'11" N., Long. 77°32'49" W. |
| Anderson, SC: Anderson County Airport..... | Lat. 34°29'42" N., Long. 82°42'33" W..... | Lat. 34°29'41" N., Long. 82°42'33" W. |
| Greenville, SC: Greenville-Spartanburg Airport..... | Lat. 34°53'47" N., Long. 82°13'07" W..... | Lat. 34°53'56" N., Long. 82°12'50" W. |
| Pageland, SC: Pageland Airport..... | Lat. 34°44'32" N., Long. 80°24'43" W..... | Lat. 34°44'32" N., Long. 80°20'32" W. |

| FAA region | Proposed geographic position | Revised geographic position |
|---|--|--|
| Chattanooga, TN: | | |
| Lovell Field Airport..... | Lat. 35°02'07" N., Long. 85°12'15" W..... | Lat. 35°02'07" N., Long. 85°12'14" W. |
| Covington, TN: | | |
| Covington Municipal Airport..... | Lat. 35°35'05" N., Long. 89°35'13" W..... | Lat. 35°35'00" N., Long. 89°35'14" W. |
| McMinnville, TN: | | |
| Warri NDB..... | Lat. 35°45'07" N., Long. 85°45'51" W..... | Lat. 35°45'08" N., Long. 85°45'51" W. |
| Memphis, TN: | | |
| Memphis International Airport..... | Lat. 35°02'51" N., Long. 89°58'43" W..... | Lat. 35°02'45" N., Long. 89°58'41" W. |
| Memphis Naval Air Station, TN: | | |
| Memphis Naval Air Station..... | Lat. 35°21'19" N., Long. 89°52'09" W..... | Lat. 35°21'19" N., Long. 89°52'08" W. |
| Nashville, TN: | | |
| Nashville International Airport..... | Lat. 36°07'37" N., Long. 86°40'53" W..... | Lat. 36°07'31" N., Long. 86°40'35" W. |
| Sumner County Regional Airport..... | Lat. 36°22'37" N., Long. 86°24'31" W..... | Lat. 36°22'36" N., Long. 86°24'32" W. |
| Portland, TN: | | |
| Portland Municipal Airport..... | Lat. 36°35'39" N., Long. 86°28'36" W..... | Lat. 36°35'34" N., Long. 86°28'37" W. |
| Selmer, TN: | | |
| Robert Sibley Airport..... | Lat. 35°12'17" N., Long. 88°29'56" W..... | Lat. 35°12'14" N., Long. 88°29'55" W. |
| Sibley NDB..... | Lat. 35°14'15" N., Long. 88°31'03" W..... | Lat. 35°14'13" N., Long. 88°30'58" W. |
| Tri-City, TN: | | |
| Virginia Highlands Airport..... | Lat. 36°41'10" N., Long. 82°02'06" W..... | Lat. 36°41'13" N., Long. 82°02'01" W. |
| Waverly, TN: | | |
| Humphreys County Airport..... | Lat. 36°07'02" N., Long. 87°44'17" W..... | Lat. 36°07'00" N., Long. 87°44'17" W. |
| Southwest | | |
| Arkadelphia, AR: | | |
| Arkadelphia Municipal Airport..... | Lat. 34°06'03" N., Long. 93°03'54" W..... | Lat. 34°05'59" N., Long. 93°03'57" W. |
| Blytheville, AR: | | |
| Eaker Air Force Base..... | Lat. 35°57'51" N., Long. 89°56'36" W..... | Lat. 35°57'51" N., Long. 89°56'45" W. |
| Harrison, AR: | | |
| Boone County Localizer..... | Lat. 36°16'08" N., Long. 93°09'18" W..... | Lat. 36°16'09" N., Long. 93°09'18" W. |
| Little Rock, AR: | | |
| Adams Field..... | Lat. 34°43'48" N., Long. 92°13'27" W..... | Lat. 34°43'44" N., Long. 92°13'28" W. |
| Alexandria, LA: | | |
| England Air Force Base..... | Lat. 31°19'38" N., Long. 92°17'44" W..... | Lat. 31°19'27" N., Long. 92°32'49" W. |
| Patterson, LA: | | |
| Patterson RBN..... | Lat. 29°42'52" N., Long. 91°29'12" W..... | Lat. 29°42'52" N., Long. 91°20'12" W. |
| Albuquerque, NM: | | |
| Double Eagle II Airport..... | Lat. 35°08'42" N., Long. 106°47'41" W..... | Lat. 35°08'42" N., Long. 106°47'40" W. |
| Truth or Consequences, NM: | | |
| Truth or Consequences Municipal Airport..... | Lat. 33°14'07" N., Long. 107°16'08" W..... | Lat. 33°14'10" N., Long. 107°16'13" W. |
| Ardmore, OK: | | |
| Ardmore VORTAC..... | Lat. 34°12'14" N., Long. 97°10'05" W..... | Lat. 34°12'41" N., Long. 97°10'05" W. |
| Arbuckle RBN..... | Lat. 34°09'02" N., Long. 07°07'28" W..... | Lat. 34°09'02" N., Long. 97°07'28" W. |
| Enid, OK: | | |
| Woodring Municipal Airport..... | Lat. 36°20'42" N., Long. 97°47'27" W..... | Lat. 36°22'45" N., Long. 97°47'27" W. |
| Lawton, OK: | | |
| Henry Post Army Air Field..... | Lat. 34°39'03" N., Long. 98°24'00" W..... | Lat. 34°39'00" N., Long. 98°24'06" W. |
| Oklahoma City, OK: | | |
| Tinker Air Force Base..... | Lat. 35°25'06" N., Long. 97°22'60" W..... | Lat. 35°25'06" N., Long. 97°23'23" W. |
| University of Oklahoma Westheimer Airport..... | Lat. 35°15'00" N., Long. 97°27'60" W..... | Lat. 35°14'44" N., Long. 97°28'19" W. |
| Shawnee, OK: | | |
| Shawnee Municipal Airport..... | Lat. 35°16'26" N., Long. 96°40'29" W..... | Lat. 35°21'16" N., Long. 96°56'33" W. |
| Seminole Municipal Airport..... | Lat. 35°16'23" N., Long. 96°40'28" W..... | Lat. 35°16'26" N., Long. 96°40'29" W. |
| Prague Municipal Airport..... | Lat. 35°28'45" N., Long. 96°43'06" W..... | Lat. 35°28'55" N., Long. 96°43'06" W. |
| Prague RBN..... | Lat. 35°31'00" N., Long. 96°43'00" W..... | Lat. 35°31'00" N., Long. 96°43'06" W. |
| Tighman RBN..... | Lat. 35°43'10" N., Long. 96°49'06" W..... | Lat. 35°43'20" N., Long. 96°49'06" W. |
| Tulsa, OK: | | |
| William R. Pogue Municipal..... | Lat. 36°10'22" N., Long. 96°09'05" W..... | Lat. 36°10'31" N., Long. 96°09'06" W. |
| Alice, TX: | | |
| Orange Grove NALF..... | Lat. 27°54'00" N., Long. 98°03'00" W..... | Lat. 27°54'03" N., Long. 98°03'05" W. |
| Beeville, TX: | | |
| Chase Field Naval Air Station..... | Lat. 28°21'55" N., Long. 97°39'16" W..... | Lat. 28°21'33" N., Long. 97°39'38" W. |
| Brownsville, TX: | | |
| Brownsville/South Padre Island International..... | Lat. 25°54'23" N., Long. 97°25'32" W..... | Lat. 24°54'24" N., Long. 97°25'33" W. |
| Brownwood, TX: | | |
| Brownwood Localizer..... | Lat. 31°47'03" N., Long. 98°57'16" W..... | Lat. 31°47'04" N., Long. 98°57'16" W. |
| Corpus Christi, TX: | | |
| Corpus Christi Naval Air Station..... | Lat. 27°41'35" N., Long. 97°17'26" W..... | Lat. 27°42'00" N., Long. 97°17'00" W. |
| Nueces County Airport..... | Lat. 27°46'41" N., Long. 97°41'27" W..... | Lat. 27°46'41" N., Long. 97°41'24" W. |
| Dallas Fort Worth, TX: | | |
| Phil L. Hudson Localizer..... | Lat. 32°44'20" N., Long. 96°31'39" W..... | Lat. 32°44'20" N., Long. 96°31'49" W. |
| Lancaster Airport..... | Lat. 32°34'40" N., Long. 96°43'16" W..... | Lat. 32°34'45" N., Long. 96°43'08" W. |
| Lancaster RBN..... | Lat. 32°34'40" N., Long. 96°43'16" W..... | Lat. 32°34'39" N., Long. 96°43'17" W. |
| Dallas/Ft. Worth VORTAC..... | Lat. 32°50'51" N., Long. 96°51'42" W..... | Lat. 32°51'57" N., Long. 97°01'40" W. |
| Fort Worth Spinks Airport..... | Lat. 32°34'30" N., Long. 97°18'34" W..... | Lat. 32°33'51" N., Long. 97°18'34" W. |
| Del Rio, TX: | | |
| Laughlin Air Force Base..... | Lat. 29°21'34" N., Long. 100°46'38" W..... | Lat. 29°21'35" N., Long. 100°46'38" W. |
| Eagle Lake, TX: | | |
| Eagle Lake VOR/DME..... | Lat. 29°39'45" N., Long. 96°18'59" W..... | Lat. 29°39'45" N., Long. 96°19'00" W. |
| El Campo, TX: | | |
| Eagle Lake VOR/DME..... | Lat. 29°39'45" N., Long. 96°18'59" W..... | Lat. 29°39'45" N., Long. 96°19'00" W. |

| FAA region | Proposed geographic position | Revised geographic position |
|--|--|--|
| El Paso, TX: Biggs Army Air Field | Lat. 31°51'00" N., Long. 106°23'00" W. | Lat. 31°50'58" N., Long. 106°22'46" W. |
| Ennis, TX: Ennis Municipal Airport | Lat. 32°19'43" N., Long. 96°39'47" W. | Lat. 32°19'42" N., Long. 96°39'48" W. |
| George West, TX: Live Oak County Airport | Lat. 26°21'48" N., Long. 98°06'59" W. | Lat. 26°21'45" N., Long. 98°06'58" W. |
| Guthrie, TX: 6666 Ranch Airport | Lat. 33°38'28" N., Long. 100°21'18" W. | Lat. 33°38'28" N., Long. 100°20'50" W. |
| Haskell, TX: Haskell RBN | Lat. 23°11'27" N., Long. 99°43'11" W. | Lat. 33°11'27" N., Long. 99°43'11" W. |
| Houston, TX: Covey Trails Airport | Lat. 29°41'00" N., Long. 95°50'00" W. | Lat. 29°41'23" N., Long. 95°50'22" W. |
| Huntsville, TX: Huntsville RBN | Lat. 30°44'26" N., Long. 95°35'26" W. | Lat. 30°44'26" N., Long. 95°35'27" W. |
| Killeen, TX: Robert Gray Army Air Field | Lat. 31°04'01" N., Long. 97°49'43" W. | Lat. 31°03'53" N., Long. 97°49'39" W. |
| Hood Army Air Field | Lat. 31°08'17" N., Long. 97°42'51" W. | Lat. 31°08'15" N., Long. 97°42'50" W. |
| Gray VOR/DME | Lat. 31°01'58" N., Long. 97°48'48" W. | Lat. 31°01'58" N., Long. 97°48'49" W. |
| Kingsville, TX: Kingsville Naval Air Station | Lat. 27°30'15" N., Long. 97°48'29" W. | Lat. 27°30'25" N., Long. 97°48'34" W. |
| Laredo, TX: Rancho Blanco Airport | Lat. 27°18'29" N., Long. 99°25'02" W. | Lat. 27°18'30" N., Long. 99°28'52" W. |
| Midland, TX: Midland International Airport | Lat. 31°57'33" N., Long. 102°12'18" W. | Lat. 31°56'33" N., Long. 102°12'05" W. |
| Mineral Wells, TX: Mineral Wells RBN | Lat. 32°42'06" N., Long. 98°03'25" W. | Lat. 32°47'06" N., Long. 98°03'25" W. |
| Nacogdoches, TX: A.L. Mangham Jr. Regional Airport | Lat. 31°34'40" N., Long. 94°42'34" W. | Lat. 31°34'40" N., Long. 94°42'33" W. |
| Newgulf, TX: Newgulf Airport | Lat. 29°16'23" N., Long. 95°53'12" W. | Lat. 29°16'35" N., Long. 95°53'15" W. |
| Eagle Lake VORTAC | Lat. 29°39'44" N., Long. 96°19'01" W. | Lat. 29°39'45" N., Long. 96°19'00" W. |
| Rockport, TX: San Jose Island Airport | Lat. 27°56'30" N., Long. 96°59'30" W. | Lat. 27°56'39" N., Long. 96°59'03" W. |
| Rocksprings, Edwards County Airport, TX: Edwards County Airport | Lat. 29°56'48" N., Long. 100°10'24" W. | Lat. 29°56'48" N., Long. 100°10'25" W. |
| Rosanky, TX: Double D Ranch Airport | Lat. 29°52'36" N., Long. 97°17'23" W. | Lat. 29°52'24" N., Long. 97°17'17" W. |
| San Antonio, TX: San Antonio VORTAC | Lat. 29°38'38" N., Long. 98°27'49" W. | Lat. 29°38'38" N., Long. 98°27'40" W. |
| Randolph VOR | Lat. 29°31'08" N., Long. 98°17'06" W. | Lat. 29°31'08" N., Long. 98°17'05" W. |
| Santa Elena, TX: Diamond "O" Ranch Airport | Lat. 26°43'12" N., Long. 98°33'35" W. | Lat. 26°43'00" N., Long. 98°33'30" W. |
| Snyder, TX: Snyder RBN | Lat. 32°42'05" N., Long. 100°56'45" W. | Lat. 32°42'04" N., Long. 100°56'49" W. |
| Stamford, TX: Arledge Field | Lat. 32°54'37" N., Long. 99°44'01" W. | Lat. 32°54'36" N., Long. 99°44'02" W. |
| Stamford RBN | Lat. 32°52'07" N., Long. 99°33'58" W. | Lat. 32°52'07" N., Long. 99°43'58" W. |
| Wharton, TX: Wharton RBN | Lat. 29°15'17" N., Long. 96°09'11" W. | Lat. 29°15'13" N., Long. 96°09'17" W. |
| Winters, TX: Winters RBN | Lat. 31°56'45" N., Long. 99°59'13" W. | Lat. 31°57'12" N., Long. 99°59'00" W. |
| Western-Pacific | | |
| Page, AZ: Page Municipal Airport | Lat. 36°55'29" N., Long. 111°27'00" W. | Lat. 36°55'34" N., Long. 111°26'52" W. |
| Phoenix Sky Harbor International Airport, AZ: Williams Air Force Base | Lat. 33°18'36" N., Long. 111°39'22" W. | Lat. 33°18'36" N., Long. 111°39'20" W. |
| San Carlos, AZ: Williams Air Force Base | Lat. 33°18'27" N., Long. 111°39'21" W. | Lat. 33°18'36" N., Long. 111°39'22" W. |
| Arcata, CA: Abeta NDB | Lat. 40°57'53" N., Long. 124°05'52" W. | Lat. 40°57'53" N., Long. 124°05'51" W. |
| Camp Pendleton, CA: Camp Pendleton TACAN | Lat. 33°18'06" N., Long. 117°21'06" W. | Lat. 33°18'04" N., Long. 117°21'03" W. |
| Sacramento, CA: McClellan Air Force Base | Lat. 38°39'35" N., Long. 121°23'58" W. | Lat. 38°40'04" N., Long. 121°23'58" W. |
| Mather Air Force Base | Lat. 38°32'53" N., Long. 121°18'23" W. | Lat. 36°33'23" N., Long. 121°17'44" W. |
| San Francisco, CA: Alameda Naval Air Station | Lat. 37°47'21" N., Long. 122°19'10" W. | Lat. 37°47'26" N., Long. 122°19'28" W. |
| Guam Island, GU: Anderson Air Force Base | Lat. 13°35'18" N., Long. 144°55'30" E. | Lat. 13°34'52" N., Long. 144°58'28" E. |
| Rota International Airport, GU | Lat. 14°10'30" N., Long. 145°14'30" E. | Lat. 14°10'24" N., Long. 145°14'20" E. |
| Saipan RBN | Lat. 15°06'48" N., Long. 145°42'42" E. | Lat. 15°06'46" N., Long. 145°42'42" E. |
| Nimitz VORTAC | Lat. 13°27'16" N., Long. 144°43'59" E. | Lat. 13°27'11" N., Long. 144°43'51" E. |
| Saipan International Airport | Lat. 15°07'18" N., Long. 145°44'00" E. | Lat. 15°07'13" N., Long. 145°43'49" E. |
| Barking Sands, HI: Barking Sands PMRF Airport | Lat. 22°01'18" N., Long. 159°47'12" W. | Lat. 22°01'29" N., Long. 159°47'22" W. |
| Barking Sands TACAN | Lat. 22°02'18" N., Long. 159°47'06" W. | Lat. 22°02'27" N., Long. 159°47'17" W. |
| Hawaiian Islands, HI: Hilo VORTAC | Lat. 19°43'18" N., Long. 155°00'42" W. | Lat. 19°43'28" N., Long. 155°00'49" W. |
| South Kauai VORTAC | Lat. 21°54'00" N., Long. 159°31'42" W. | Lat. 21°54'13" N., Long. 159°31'54" W. |
| Honolulu, HI: Honolulu International Airport | Lat. 21°19'06" N., Long. 157°55'24" W. | Lat. 21°19'19" N., Long. 157°55'31" W. |

| FAA region | Proposed geographic position | Revised geographic position |
|--|--|--|
| Barbers Point Naval Air Station | Lat. 21°18'35" N., Long. 158°04'27" W. | Lat. 21°18'32" N., Long. 158°04'30" W. |
| Honolulu VORTAC | Lat. 21°18'30" N., Long. 157°55'48" W. | Lat. 21°18'41" N., Long. 157°55'59" W. |
| Honolulu, Wheeler Air Force Base, HI: | | |
| Koko Head VORTAC | Lat. 21°15'54" N., Long. 157°42'12" W. | Lat. 21°16'06" N., Long. 157°42'21" W. |
| Lihue, HI: | | |
| Lihue Airport | Lat. 21°58'45" N., Long. 159°20'29" W. | Lat. 21°58'45" N., Long. 159°20'30" W. |
| Waimea-Kohala, HI: | | |
| Waimea-Kohala Airport | Lat. 20°00'06" N., Long. 155°40'15" W. | Lat. 20°00'16" N., Long. 155°40'15" W. |
| Indian Springs, NV: | | |
| Indian Springs Air Force Auxiliary Field | Lat. 36°34'59" N., Long. 115°40'32" W. | Lat. 36°35'14" N., Long. 115°40'21" W. |
| Mercury, NV: | | |
| Desert Rock Airport | Lat. 36°39'16" N., Long. 116°00'54" W. | Lat. 36°37'10" N., Long. 116°01'55" W. |

Class D Airspace Areas

In NPRM Number 92-5, the FAA proposed to amend subpart D of FAA Order 7400.9, which becomes effective September 16, 1993, by establishing Tucson, Ryan Field, Arizona; Mojave Airport, California; and Whiteman, California, as Class D airspace areas. No comments were received on this proposal.

Airspace Docket Number 90-AWP-11 established a control zone at Tucson, Ryan Field, Arizona; therefore the FAA will adopt the airspace area for Tucson, Ryan Field, Arizona, by amending section 171 of FAA Handbook 7400-7 and subpart D of FAA Order 7400.9, which becomes effective September 16, 1993.

The FAA will adopt the proposed Class D airspace areas for Mojave Airport, California, and Whiteman, California, as proposed by amending subpart D in FAA Order 7400.9, which is effective September 16, 1993.

NPRM Number 92-5 also proposed to replace the El Toro, California Special Air Traffic Rules Area with Class D airspace. The FAA received no comments on this proposal. The FAA will establish the El Toro, California, Class D airspace area as proposed by amending subpart D of FAA Order 7400.9, which becomes effective September 16, 1993.

TCA's and ARSAs

NPRM Number 92-5 proposed modifications to certain TCAs and ARSAs. These changes were generally minor in nature and update the airspace descriptions. No comments were received on these proposed modifications.

With the exception of the modifications listed below, the FAA will revise the following TCAs as proposed. TCAs are published in section 71.401 of FAA Handbook 7400.7. The descriptions of the TCAs listed in this document will be published subsequently in the Handbook 7400.7—Supplement. The FAA also adopts the proposal to amend the corresponding Class B airspace

areas in subpart B of FAA Order 7400.9, which becomes effective September 16, 1993.

FAA Region: Central

Kansas City, MO

FAA Region: Eastern

New York, NY

Philadelphia, PA

Pittsburgh, PA

FAA Region: Great Lakes

Detroit, MI

FAA Region: New England

Boston, MA

FAA Region: Southern

Atlanta, GA

Memphis, TN

FAA Region: Southwest

Houston, TX

FAA Region: Western-Pacific

Phoenix, Arizona

San Francisco, CA

Las Vegas, NV

The FAA adopts as proposed the TCA descriptions for the areas listed below, with minor modifications and technical corrections. Because this action does not change the boundaries and configuration of controlled airspace, with respect to these areas it is insignificant in nature and impact and inconsequential to the industry and public. Therefore, notice and public procedure under 5 U.S.C. 533(b) are unnecessary.

Revisions to proposed airspace areas by including technical corrections and airspace changes:

FAA Region: Eastern

Washington Tri-Area, DC: The airspace description is revised by replacing the phrase "northwest of the Manassas Municipal/Harry P. Davis Field" to "northeast of the Manassas Municipal/Harry P. Davis Field."

FAA Region: Great Lakes

Chicago, O'Hare International Airport, IL: The airspace description is revised by changing name of the "Chicago International Airport" to the "Chicago-O'Hare International Airport" and by clarifying that the airspace in Area B excludes the airspace in Area A.

Minneapolis, MN: The airspace description is revised by changing the name of "Minneapolis-St. Paul International Airport" to "Minneapolis-St. Paul International (Wold-Chamberlain) Airport."

FAA Region: Southern

Charlotte, NC: The airspace description is revised by replacing all references to the "Charlotte VOR" with the "Charlotte VOR/DME."

FAA Region: Southwest

New Orleans, LA: Area C of the airspace description is revised by replacing the reference to "Sellers Field Runway 16/34 extended centerline" with "St. Charles Airport 17/35 extended centerline."

FAA Region: Western-Pacific

Los Angeles, CA: The airspace description is revised by replacing references to the Ontario VORTAC with Paradise VORTAC and by ensuring that the southwestern corner of Area F matches the current lines on visual aeronautical charts. Due to more sophisticated charting methods, if the airspace description is not revised, the lines on the chart will move.

San Diego, CA: Area F of the airspace description is revised by replacing the reference to the "interchange of I-5 and I-805" with the "interchange of I-8 and I-805."

Honolulu, HI: Area D of the airspace description is revised by replacing the phrase "then northeast on the Honolulu VORTAC 146° radial to 5 miles" with "then northwest on the Honolulu VORTAC 146° radial to 5 miles."

Revisions to proposed airspace areas by updating a geographic position:

| FAA Region | Proposed geographic position | Revised geographic position |
|---|--|--|
| Great Lakes Name and airport or facility: Cleveland, OH: Cleveland-Hopkins DME Antenna. | Lat. 41°24'15" N., Long. 81°51'43" W. | Lat. 41°24'01" N., Long. 81°52'03" W. |
| Northwest Mountain Denver, CO: Denver VORTAC. | Lat. 39°48'02" N., Long. 104°53'12" W. | Lat. 39°48'02" N., Long. 104°53'13" W. |
| Southern Miami, FL: Biscayne Bay VORTAC. | Lat. 25°40'17" N., Long. 80°10'40" W. | Lat. 25°40'18" N., Long. 80°10'40" W. |

With the exception of the modifications listed below, the FAA will revise the following ARSAs as proposed. ARSAs are published in section 71.501 of FAA Handbook 7400.7. The ARSAs listed in this document will be published subsequently in the Handbook. The FAA also adopts the proposal to amend the corresponding Class C airspace areas in subpart C of FAA Order 7400.9, which becomes effective September 16, 1993.

FAA Region: Central

Cedar Rapids, IA
Omaha, NE

FAA Region: Eastern

Atlantic City, NJ
Buffalo, NY
Rochester, NY
Syracuse, NY
Norfolk, VA
Roanoke, VA

FAA Region: Great Lakes

Champaign-Urbana, IL
Moline, IL
Peoria, IL
Indianapolis, IN
South Bend, IN
Lansing, MI
Akron, OH
Columbus, OH
Dayton, OH
Green Bay, WI
Milwaukee, WI

FAA Region: New England

Providence, RI

FAA Region: Northwest Mountain

Colorado Springs, CO
Portland, OR
Spokane, Fairchild Air Force Base, WA

Whidbey Island, WA

FAA Region: Southern

Mobile, AL
Huntsville, AL
Fort Lauderdale, FL
Palm Beach, FL
Tallahassee, FL
Milton Naval Air Station, Whiting Field, FL
Savannah, GA
Covington, KY
Columbus, MS
Jackson, MS
Pope Air Force Base, NC
Columbia, SC
Greer, SC
Shaw Air Force Base, SC
Chattanooga, TN

FAA Region: Southwest

Barksdale Air Force Base, LA
Baton Rouge, LA
Lafayette, LA
Shreveport, Shreveport Regional Airport, LA
Albuquerque, NM
Oklahoma City, Tinker Air Force Base, OK
Tulsa, OK
Amarillo, TX
Del Rio, TX
El Paso, TX

FAA Region: Western-Pacific

Tucson Davis-Monthan Air Force Base, AZ
Tucson, Tucson International Airport, AZ
El Toro, CA
Fresno, CA
Marysville, Beale Air Force Base, CA
Monterey, CA
Oakland, CA
Riverside, March Air Force Base, CA
Sacramento, Mather Air Force Base, CA
Sacramento, McClellan Air Force Base, CA
Sacramento, Sacramento Metropolitan Airport, CA
Santa Ana, CA
Santa Barbara, CA
Kahului, HI
Reno, NV

The FAA adopts as proposed the ARSA descriptions listed below, with minor modifications and technical corrections. Because this action does not change the boundaries and configuration of controlled airspace, with respect to these areas it is insignificant in nature and impact and inconsequential to the industry and public. Therefore, notice and public procedure under 5 U.S.C. 533(b) are unnecessary.

Revisions to proposed airspace areas by including clean up items and airspace changes:

FAA Region: Central

Offutt Air Force Base, NE: The airspace description is revised by changing the name of "South Omaha (Papillion) Airport" to "South Omaha Airport."

FAA Region: Great Lakes

Evansville, IN: The airspace description is revised by replacing the name "Evansville Dress Regional Airport" with "Evansville Regional Airport."

Fort Wayne, IN: The airspace description is revised by changing the "Fort Wayne Municipal Airport" to the "Fort Wayne International Airport."

Flint, MI: The airspace description is revised by changing the name of the "Flint Bishop International Airport" to "Bishop International Airport."

Toledo, OH: The airspace description is revised by changing the name of the "Toledo-Express Airport" to the "Toledo Express Airport."

FAA Region: New England

Windsor Locks, CT: The airspace description is revised by replacing all references to "Skylark Airport" with "Skylark Airpark."

FAA Region: Southern

Pensacola Naval Air Station, FL: The airspace description is revised by replacing the name "Navy Pensacola Airport, Forrest Sherman Field" with "Pensacola NAS, Forrest Sherman Field."

Lexington, KY: The airspace description is revised by changing the name of "Lexington Blue Grass Airport" to "Blue Grass Airport."

Fayetteville, NC: The airspace description is revised by changing the name of "Fayetteville Municipal/Grannis Field" to "Fayetteville Regional/Grannis Field."

Greensboro, NC: The airspace description is revised by changing the name of "Greensboro/Piedmont Triad International Airport" with "Piedmont International Airport."

Nashville International Airport, TN: The airspace description is revised by replacing the one remaining reference to "Nashville Metropolitan Airport" to "Nashville International Airport."

FAA Region: Southwest

Little Rock, AR: The airspace description is revised by replacing the name "Adams Field, Little Rock" with "Little Rock, Adams Field."

Dyess Air Force Base, TX: The airspace description is revised by replacing the name "Abilene Municipal

Airport, TX ARSA" with "Abilene Regional Airport, TX ARSA."

FAA Region: Western-Pacific

Burbank-Glendale-Pasadena, CA: The airspace description is revised by replacing the area excluded from the ARSA for Whiteman Airpark from 1.75 miles to 1.8 miles.

Merced, Castle Air Force Base, CA: The airspace description is revised by changing the name of "Atwater Airport" to "Atwater Municipal Airport."

Ontario, CA: The airspace description is revised by changing the name of "Upland Cable Airport" to "Cable Airport."

San Bernardino, Norton Air Force Base, CA: The airspace description is revised by changing the name of "Redlands Airport" to "Redlands Municipal Airport."

San Jose, CA: The airspace description is revised by replacing references to "Oakland VOR" with "Oakland VORTAC."

Revisions to proposed airspace areas by updating a geographic position:

| FAA region | Proposed geographic position | Revised geographic position |
|---------------------------------------|--|--|
| Great Lakes | | |
| Name and airport or facility: | | |
| Toledo, OH: | | |
| Toledo Express Airport. | Lat. 41°35'15" N., long. 83°48'19" W. | Lat. 41°35'12" N., long. 83°48'28" W. |
| Southern | | |
| Raleigh-Durham, NC: | | |
| Raleigh-Durham International Airport. | Lat. 35°52'39" N., long. 78°47'15" W. | Lat. 35°52'39" N., long. 78°47'16" W. |
| Southwest | | |
| Little Rock, AR: | | |
| Little Rock Adams Field. | Lat. 34°44'48" N., long. 92°13'27" W. | Lat. 34°43'44" N., long. 92°13'28" W. |
| Will Rogers World Airport, OK: | | |
| Downtown Airpark. | Lat. 36°26'57" N., long. 97°31'58" W. | Lat. 35°25'57" N., long. 97°31'58" W. |
| Midland, TX: | | |
| Midland International Airport. | Lat. 31°56'33" N., long. 102°12'06" W. | Lat. 31°56'33" N., long. 102°12'05" W. |

In addition, the FAA proposed to modify the airspace descriptions of the Anchorage International Airport, Alaska ARSA by combining: (1) the Anchorage International Airport Control Zone; (2)

the Anchorage International Airport ARSA; and (3) the International Segment of the Anchorage Special Air Traffic Rules Area. The FAA received no comments on this proposal. The FAA will revise the Anchorage International Airport, Alaska ARSA as proposed by amending section 501 of FAA Handbook 7400.7 and the corresponding airspace description in subpart C of FAA Order 7400.9, which is effective September 16, 1993.

The FAA also proposed to modify the Chicago, Midway Airport, Illinois ARSA by lowering the ceiling so that it does not overlap the floor of the Chicago, O'Hare International Airport, Illinois TCA. No comments were received on this proposal. The FAA will revise the Chicago, Midway Airport, Illinois ARSA, as proposed by amending section 501 of FAA Handbook 7400.7 and the corresponding airspace description in subpart C of FAA Order 7400.9, which is effective September 16, 1993.

Incorporation by Reference

The FAA amends the airspace descriptions of all control zones and transition areas. These descriptions are not listed in the Code of Federal Regulations (CFR) and are not set forth in the full text of this final rule. The full listing for all control zones and transition areas is contained in sections 171 and 181 of FAA Handbook 7400.7, Compilation of Regulations, effective November 1, 1991 ("the Handbook"), which is incorporated by reference in 14 CFR 71.1. The amended descriptions will subsequently be published in the Handbook 7400.7—Supplement. Copies of FAA Handbook 7400.7 and Handbook 7400.7—Supplement are located at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Under the Airspace Reclassification final rule, the airspace descriptions for control zones and transition areas are set forth as Class D and Class E airspace areas in subparts D and E of FAA Order 7400.9, Airspace Reclassification, effective September 16, 1993, which is also incorporated by reference in 14 CFR 71.1. These descriptions are not listed in the CFR and are not set forth in the full text of this final rule.

Subsequent to the final agency coordination resulting in the issuance of the final rule for Airspace Reclassification (56 FR 65638), the FAA reviewed various airspace descriptions for TCAs and ARSAs. As a result of this review, the FAA made editorial, non-substantive revisions to those airspace descriptions. With the exception of the revisions to the surface area of the

Anchorage, Alaska ARSA, these revisions either changed the name of the airspace description, the language of the legal description of the airspace, or the language for charting purposes. These revisions did not change the dimensions of the affected airspace areas, nor did they alter the substantive provisions of the final rule. The FAA intends, therefore, to include these revisions as part of this rulemaking action. This action is necessary to correct expeditiously the final rule issued on December 17, 1991, and to clarify regulatory requirements.

The airspace descriptions for TCAs and ARSAs are not found in the CFR and were not set forth in the full text of the final rule. The complete listing for all TCAs and ARSAs can be found in sections 401 and 501 of FAA Handbook 7400.7, Compilation of Regulations, effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1. The amended airspace descriptions will subsequently be published in the Handbook 7400.7—Supplement. The airspace descriptions for TCAs and ARSAs are set forth as Class B and Class C airspace areas in Subparts B and C of FAA Order 7400.9, Airspace Reclassification, which is also incorporated by reference in 14 CFR 71.1.

Paperwork Reduction Act

No approval pursuant to the Paperwork Reduction Act of 1980 (Pub. L. 96-511) is needed for this rule, because there are no requirements for information collection associated with this rule.

Regulatory Evaluation Summary

This section summarizes the regulatory evaluation prepared by the FAA. The regulatory evaluation provides more detailed information on estimates of the potential economic consequences of this final rule. This summary and the evaluation quantify, to the extent practicable, the estimated costs of the rule to the private sector, consumers, and Federal, State, and local governments, and also the anticipated benefits.

Executive Order 12291, dated February 17, 1981, directs Federal agencies to promulgate new regulations or modify existing regulations only if potential benefits to society for each regulatory change outweigh potential costs. The order also requires the preparation of a Regulatory Impact Analysis of all "major" rules except those responding to emergency situations or other narrowly defined exigencies. A "major" rule is one that is

likely to result in an annual effect on the economy of \$100 million or more, a major increase in consumer costs, or a significant adverse effect on competition.

The FAA has determined that this rule is not "major" as defined in the executive order; therefore, a full regulatory impact analysis, which includes the identification and evaluation of cost-reducing alternatives to the rule, has not been prepared. Instead, the agency has prepared a more concise document termed a "regulatory evaluation," that analyzes only this rule without identifying alternatives. In addition to a summary of the regulatory evaluation, this section contains a final regulatory flexibility determination required by the 1980 Regulatory Flexibility Act (Pub. L. 96-354) and an international trade impact assessment. If readers desire more detailed economic information than this summary contains, then they should consult the regulatory evaluation contained in the docket.

This rule and the final rule for Airspace Reclassification are essentially part of the general rulemaking effort by the FAA to reclassify U.S. airspace. The Airspace Reclassification final rule represents the policy action and this rule represents the procedural action of accomplishing the airspace reclassification for terminal airspace. The Airspace Reclassification final rule was implemented first, and it has accounted for the costs of modifying the charts (including symbol changes) and the benefits of enhanced safety and airspace simplification that otherwise would have been reflected in this rule. The FAA recognizes that part of those benefits (largely, enhanced safety and simplification of U.S. airspace) and costs (\$1.9 million) estimated for the Airspace Reclassification final rule are due in part to this rule, though it is difficult to estimate to what extent separately. Therefore, a brief discussion of the types of costs and benefits this shares with the Airspace Reclassification final rule is presented in the following sections.

Costs

This rule will impose additional administrative duties on the FAA. The costs required to perform those duties have already been accounted for in the Airspace Reclassification Rule. The administrative costs imposed on the FAA by this rule is part of the \$1.9 million (discounted) estimate derived for the Airspace Reclassification Rule. However, this rule is not expected to impose costs on either aircraft operators (in terms of the inconvenience of having to engage in two-way radio communications with Air Traffic Control

or additional circumnavigation) or on society (in terms of lowered safety). This assessment of no costs imposed on either aircraft operators or society is based on an evaluation of each of the four areas that this rule will affect. These four areas are discussed below.

(1) Control Zones and Associated Transition Areas for the Primary Airports of TCAs or ARSAs

This requirement will not impose any additional requirements for aircraft operators in either TCAs or ARSAs. The adjustments of the lateral boundaries and vertical limits of control zones and associated transition areas for the primary airports of TCAs or ARSAs will be essentially the same as what exists today.

(2) Control Zones and Associated Transition Areas for Airports With Operating Control Towers Not Associated With the Primary Airports of TCAs or ARSAs

This requirement will not impose any additional requirements for aircraft operators in either TCAs or ARSAs. Control zones for airports with operating control towers not associated with TCAs or ARSAs have been reviewed according to the revised criteria to ensure that terminal IFR operations are contained within the control zones. The modifications include provisions for satellite airports without operating control towers to be excluded from control zones as long as aviation safety is not jeopardized.

This component of the rule will add relief to aircraft operators. Under existing rules, there is a communication requirement when operating within an airport traffic area which extends from the surface up to but not including 3,000 feet above the airport. The FAA is requiring that control zones terminate at an altitude that will accommodate terminal operations under IFR. In most cases, this is 2,500 feet above the surface, rounded to the nearest 100-foot increment, and expressed in MSL. This component of the rule will relieve operators of the need to circumnavigate or the inconvenience of having to engage in two-way radio communications with Air Traffic Control because 500 feet of additional airspace will be available to VFR operators without two-way radio communication requirements. These control zones still will be indicated on aeronautical charts by a segmented blue line.

(3) Control Zones and Associated Transition Areas for Airports Without Operating Control Towers

As noted previously for the other components of the rule, this action will not impose any additional costs on either aircraft operators or society. This component is procedural in nature. The control zones will extend upward from the surface and terminate at the overlying or adjacent controlled airspace.

(4) Transition Areas Not Associated With Control Zones

This component of the rule is procedural in nature and will not impose additional costs on either aircraft operators or society. Transition areas that are not associated with control zones have been reviewed under the revised criteria to ensure that terminal IFR operations are contained in the transition areas.

The cost to the FAA associated with this Terminal Airspace Reconfiguration rule is included in the \$1.9 million cost estimate of the Airspace Reclassification Rule. As discussed above, this is because the FAA's administrative costs, which include modification of manuals, charts, and training materials, have already been accounted for in the Airspace Reclassification Rule. For a detailed discussion of how these costs were derived, the reader is directed to the final regulatory evaluation of the Airspace Reclassification final rule. A brief discussion explaining each of these costs is presented below.

(1) Aeronautical Charts

The Terminal Airspace Reconfiguration rule will result in modifications to the aeronautical charts because of lateral and vertical boundaries of control zones with towers will be modified and shown on the charts, whereas control zones without towers will be deleted from the charts. All of these changes have already been included as part of the estimated \$1.2 million for the Airspace Reclassification final rule.

(2) Air Traffic Training Courses

- The cost of revising the courses used to instruct air traffic controllers in terminal airspace reconfigured areas is part of an estimated \$52,000 (discounted) in controller training costs. This includes developing and conducting a one-week seminar for FAA student controllers (\$9,000) and revising lesson plans, visual aids, handouts, laboratory exercises, and tests (\$43,000).

(3) Pilot Re-Education

The cost of re-educating the pilot community of the modifications in the terminal airspace reconfiguration rule is part of an estimated \$618,000 (discounted). This includes the publication and mailing of an advisory circular (\$550,000) and the production of a video tape documenting the new airspace classifications (\$68,000).

(4) Conversion of Statute Miles to Nautical Miles

The statute mile designations in part 71 and FAA Handbook 7400.6, Compilation of Regulations, are being converted to nautical miles as part of the Airspace Reclassification Rule. The terminal airspace reconfiguration rule will share some of the \$1,200 (discounted) cost to complete this conversion.

Benefits

The rule is expected to generate total incremental benefits in the form of enhanced safety and operational efficiency to the aviation community by ensuring that the potential benefits of the Airspace Reclassification final rule materialize as expected. A brief discussion of most of those safety and operational efficiency benefits is provided below.

The FAA believes that the simplified classification in this rule and the Airspace Reclassification final rule will reduce airspace complexity and thereby enhance safety by reducing a possible source of confusion to pilots. This airspace reclassification mirrors the new ICAO airspace designations, except there will be no Class F in the United States. This rule and the Airspace Reclassification final rule will also increase safety in the United States because foreign pilots operating aircraft in U.S. airspace will be familiar with the airspace designations and classification system.

Another simplification that is expected to help increase airspace safety is the change to correlate the class of controlled airspace currently termed a control zone to the airspace of the surrounding area. Presently, there are several types of designated airspace around an airport which makes it difficult for pilots and controllers to determine how the areas are classified and which requirements apply. After the reclassification the terminology will be simplified.

The conversion of statute mile designations to nautical mile designations is intended to further simplify operations. Because the instruments on board the aircraft are

calibrated in nautical miles and aviation charts have representations in nautical miles, this change will eliminate the need for pilots to convert between nautical and statute miles. This simplification will help pilots and controllers to improve their understanding of the airspace designations in part 71.

Conclusion

This final rule is not expected to impose costs on either aircraft operators (in terms of additional equipment or additional circumnavigation) or society (in terms of lowered safety). This rule will impose additional administrative duties on the FAA. However, the costs required to perform those duties have already been accounted for in the Airspace Reclassification Rule. The FAA administrative costs imposed by this rule are part of the \$1.9 million (discounted) estimate derived for the Airspace Reclassification Rule. The rule will ensure that a simpler, more efficient, and more uniform airspace system materializes as prescribed under the Airspace Reclassification final rule. This action in turn will ultimately result in increased safety to the aviation community. Thus, the FAA contends that the benefits of the rule are greater than its costs.

International Trade Impact Assessment

This rule will only affect airspace inside of the United States, and it will not impose any adverse operating requirements on foreign aircraft operators. A number of foreign aircraft operators are already operating under airspace requirements similar to those contained in this rule and those requirements in the U.S. Airspace Reclassification Rule. By September 16, 1993, virtually all foreign aircraft operators will be operating in airspace classified similar to those requirements outlined in the U.S. Airspace Reclassification Rule (based largely, if not entirely, on ICAO's airspace reclassification). Also, this rule will have no effect on the sale of foreign aviation products or services in the United States, nor will it affect the sale of United States products or services in foreign countries.

Final Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by Government regulations. The RFA requires agencies to review rules that may have "a significant

economic impact on a substantial number of small entities." The small entities that could be potentially affected by the implementation of this rule are pilot schools (SIC 8299).

As discussed in the Airspace Reclassification rule, training materials used in the courses offered by the pilot schools will have to be modified to reflect the changes of the airspace reclassification. However, these training materials are updated regularly as a normal course of business. The FAA contends that pilot schools can make the modifications required by the rule during these regular updates at little, if any, additional cost. Therefore, the rule will not have a significant economic impact on a substantial number of small entities.

Federalism Implications

The regulations herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this regulation will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Conclusion

For reasons discussed in the preamble, and based on the findings in the Regulatory Evaluation Determination and the International Trade Impact Analysis, the FAA has determined that this regulation is not a major rule under Executive Order 12291. In addition, the FAA certifies that this regulation will not have a significant economic impact on a substantial number of small business entities under the criteria of the Regulatory Flexibility Act. This regulation is not considered significant under Order DOT 2100.5, Policies and Procedures for Simplification, Analysis, and Review of Regulations. A regulatory evaluation of the regulation, including a Regulatory Flexibility Determination and Trade Impact Analysis, has been placed in the docket. A copy may be obtained by contacting the person identified under "FOR FURTHER INFORMATION CONTACT."

List of Subjects in 14 CFR Part 71

Airport radar service areas, Airspace, Control zones, Incorporation by reference, Navigation (air), Terminal control areas, Transition areas.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

The following amendments are to part 71 currently in effect:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, REPORTING POINTS, JET ROUTES, AND AREA HIGH ROUTES

The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. App. 1348(a), 1354(a); 1510; Executive Order 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p.389; 49 U.S.C. 106(g); 14 CFR 11.69.

2. Section 71.1 is revised to read as follows:

§ 71.1 Applicability.

The complete listing for all Federal airways, area low routes, controlled airspace, reporting points, jet routes, and area high routes can be found in FAA Order 7400.7, Compilation of Regulations, which was last published as of April 30, 1991, and effective November 1, 1991. Superseding Subparts F, G, K, and L of FAA Order 7400.7, the descriptions of control zones, transition areas, terminal control areas, and airport radar service areas can be found in FAA Order 7400.7—Supplement, effective October 15, 1992. The incorporation by reference of FAA Order 7400.7 was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The approval to incorporate by reference FAA Order 7400.7 and subsequent updates is effective as of December 17, 1991 through September 15, 1993. During the incorporation by reference period, proposed individual changes to the listings of Federal airways, area low routes, controlled airspace, reporting points, jet routes, and area high routes will be published in full text as proposed rule documents in the *Federal Register*. Amendments to the listings of Federal airways, area low routes, controlled

airspace, reporting points, jet routes, and area high routes will be published in full text as final rules in the *Federal Register*. Periodically, the final rule amendments will be integrated into a revised edition of the compilation and submitted to the Director of the Federal Register for approval for incorporation by reference in this section. Copies of FAA Order 7400.7 and 7400.7—Supplement may be obtained from the Document Inspection Facility, APA-220, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, (202) 267-3484. Copies of FAA Order 7400.7 and 7400.7—Supplement may be inspected in Docket Numbers 24456 and 26852, respectively, at the Federal Aviation Administration, Office of the Chief Counsel, AGC-10, room 915G, 800 Independence Avenue SW., Washington, DC 20591, weekdays between 8:30 a.m. and 5:00 p.m., or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC. This section is effective as of December 17, 1991, through September 15, 1993.

The following amendments are to part 71 in effect as of September 16, 1993:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. App. 1348(a), 1354(a), 1510; Executive Order 10854; 24 FR 9565, 3 CFR, 1959-1963 Comp., p.389; 49 U.S.C. 106(g); 14 CFR 11.69.

2. The introductory text to § 71.1, effective September 16, 1993, is revised to read as follows:

§ 71.1 Airspace classification.

The complete listing of these airspace designations can be found in FAA Order 7400.9, Airspace Reclassification, which is effective September 16, 1993. Superseding subparts B, C, and D, and § 71.71(b), subpart E, of FAA Order 7400.9, the descriptions of Class B, C,

and D airspace and of control zones without air traffic control towers (Class E) can be found in FAA Order 7400.7—Supplement. The incorporation by reference of FAA Order 7400.9 was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The approval to incorporate by reference FAA Order 7400.9 and subsequent updates is effective as of September 16, 1993, through September 15, 1994. During the incorporation by reference period, proposed individual changes to the listings of Class A, Class B, Class C, Class D, and Class E airspace areas and airways, routes, and reporting points will be published in full text as proposed rule documents in the *Federal Register*. Amendments to the listings of Class A, Class B, Class C, Class D, and Class E airspace areas and airways, routes, and reporting points will be published in full text as final rules in the *Federal Register*. Periodically, the final rule amendments will be integrated into a revised edition of the compilation and submitted to the Director of the Federal Register for approval for incorporation by reference in this section. Copies of FAA Order 7400.9 and 7400.7—Supplement may be obtained from the Document Inspection Facility, APA-220, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, (202) 267-3484. Copies of FAA Order 7400.9 and 7400.7—Supplement may be inspected in Docket Numbers 24456 and 26852, respectively, at the Federal Aviation Administration, Office of the Chief Counsel, AGC-10, room 915G, 800 Independence Avenue SW., Washington, DC 20591, weekdays between 8:30 a.m. and 5 p.m. or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

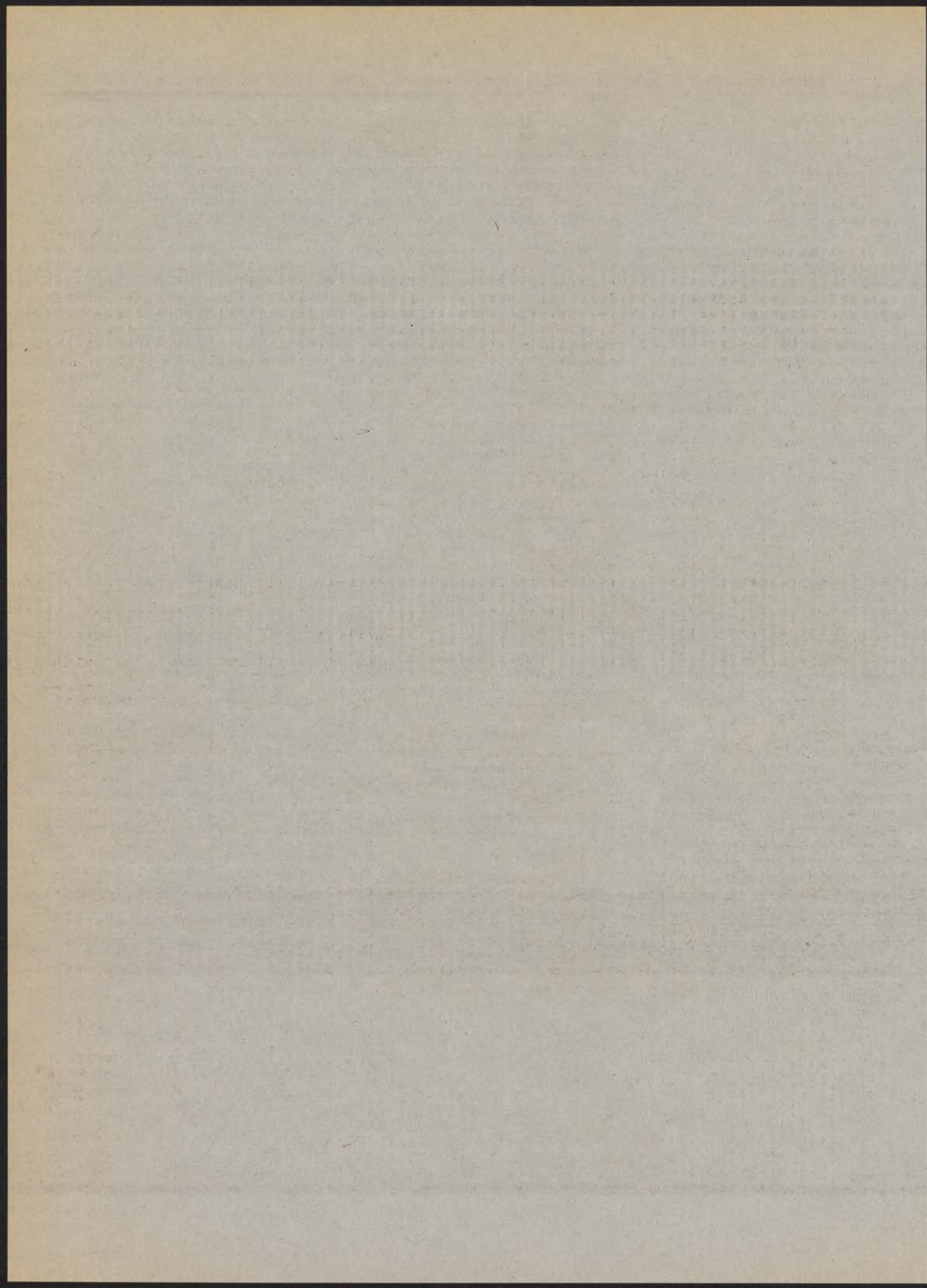
Issued in Washington, DC on August 18, 1992.

Harold W. Becker

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 92-19710 Filed 8-19-92; 3:52 pm]

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Best Great Federal Paper

Thursday
August 27, 1992

Part III

Office of Management and Budget

Proposed Revision of Circular A-110,
Uniform Administrative Requirements for
Grants and Agreements With Institutions
of Higher Learning Education, Hospitals,
and Other Non-Profit Organizations;
Notice

OFFICE OF MANAGEMENT AND BUDGET

Proposed Revision of Circular No. A-110, "Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals and Other Non-Profit Organizations"

AGENCY: Office of Management and Budget.

ACTION: Proposed Revision of Circular No. A-110.

SUMMARY: This notice offers interested parties an opportunity to comment on proposed revisions to OMB Circular No. A-110, "Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations."

OMB issued Circular No. A-110 in 1976 and, except for a minor revision in February 1987, the Circular contains its original provisions. In 1987, an interagency task force reviewed the Circular and recommended that its requirements be consolidated in a common rule with the requirements Federal agencies impose on State and local governments. The task force published a proposed, consolidated common rule for public comment in a Federal Register notice on November 4, 1988 (53 FR 44716). Because of concerns by certain university groups and some Federal agencies, OMB did not finalize this consolidated common rule.

In November 1990, OMB convened an interagency task force to review the provisions of Circular No. A-110. This Notice contains the task force recommendations.

The task force prepared the proposed revised Circular in common rule format to facilitate regulatory adoption by the executive departments and agencies. Agencies should adopt the provisions of the Circular word for word to the maximum extent possible.

DATES: To be assured of consideration, comments on this proposed Circular must be in writing and must be received on or before October 26, 1992. Send comments to the Office of Federal Financial Management, Office of Management and Budget, 725-17th Street, NW., room 10235, Washington, DC 20503. Comments should refer to the title of this notice, "Proposed Revision of Circular No. A-110."

FOR FURTHER INFORMATION CONTACT: Palmer Marcantonio, (202) 395-3993. A copy of the current Circular may be obtained by calling the OMB Publications Office at (202) 395-7332.

SUPPLEMENTARY INFORMATION: The Circular has been restructured from 20 attachments to four subparts with sections.

Subpart A—General

Sec.

- ___1 Purpose.
- ___2 Definitions.
- ___3 Applicability.
- ___4 Effect on other issuances.
- ___5 Deviations.
- ___6 Subawards.

Subpart B—Pre-Award Requirements

- ___10 Purpose.
- ___11 Pre-award policies.
- ___12 Forms for applying for Federal assistance.
- ___13 Debarment and suspension.
- ___14 Special award conditions.
- ___15 Metric system of measurement.
- ___16 Awards and adjustments.

Subpart C—Post-Award Requirements

Financial and Program Management

- ___20 Purpose of financial and program management.
- ___21 Definitions.
- ___22 Standards for financial management systems.
- ___23 Payment.
- ___24 Cost sharing and matching.
- ___25 Program income.
- ___26 Revision of budget and program plans.
- ___27 Non-Federal audits.
- ___28 Allowable costs.
- ___29 Carryover balances.

Property Standards

- ___30 Purpose of property standards.
- ___31 Definitions.
- ___32 Insurance coverage.
- ___33 Real property.
- ___34 Federally-owned and exempt property.
- ___35 Transfers of title or other interests in property to private parties.
- ___36 Equipment.
- ___37 Supplies and other expendable property.
- ___38 Intangible property.
- ___39 Property trust relationship.

Procurement Standards

- ___40 Purpose of procurement standards.
- ___41 Recipient responsibilities.
- ___42 Codes of conduct.
- ___43 Competition.
- ___44 Procurement procedures.
- ___45 Cost and price analysis.
- ___46 Procurement records.
- ___47 Contract administration.
- ___48 Contract provisions.

Reports and Records

- ___50 Purpose of reports and records.
- ___51 Monitoring and reporting program performance.
- ___52 Financial reporting.
- ___53 Retention and access requirements for records.

Termination and Enforcement

- ___60 Purpose of termination and enforcement.
- ___61 Termination and enforcement.

Subpart D—After Award Requirements

- ___70 Purpose.
- ___71 Definitions.
- ___72 Closeout procedures.
- ___73 Subsequent adjustments and continuing responsibilities.
- ___74 Collection of amounts due.

The substantive differences between the current and proposed updated Circular are listed under their former attachments. The locations of these requirements in the proposed, updated Circular are stated after the title of the current attachment.

Attachment A, Cash Depositories, requirements are now in subpart C, "Post-Award Requirements," Financial and Program Management. No substantive changes.

Attachment B, Bonding and Insurance, requirements are now in subpart C, "Post-Award Requirements," Property and Procurement Standards. No substantive changes.

Attachment C, Retention and Custodial Requirements for Records, requirements are now in subpart C, "Post-Award Requirements," Reports and Records. A proposed revision clarifies the right of Federal agencies to have access to recipient personnel and records.

Attachment D, Program Income, requirements are now in subpart C, "Post-Award Requirements," Financial and Program Management. The proposed revisions:

- Allow costs incident to the generation of program income to be deducted from gross income to determine program income.
- Require excess program income to be deducted from total project costs, and
- Exempt program income earned after the project period.

Attachment E, Cost Sharing and Matching, requirements are now in subpart C, "Post-Award Requirements," Financial and Program Management. The proposed revisions:

- Allow the fair market value of real property to be used for matching share when approved by the Federal awarding agency, and
- Allow a reasonable amount of fringe benefits to be used for valuing donated services.

Attachment F, Standards for Financial Management Systems, requirements are now in subpart C, "Post-Award Requirements," Financial and Program Management. Previous audit

requirements are deleted and replaced by the provisions of Circular No. A-133, "Audits of Institutions of Higher Education and Other Non-Profit Institutions." Certain bonding and insurance provisions which previously appeared in Attachment B, Bonding and Insurance, are added to this Subpart.

Attachment G, Financial Reporting Requirements, requirements are now in subpart C, "Post-Award Requirements," Reports and Records. The proposed revision increases the threshold for waiving the requirement for the submission of cash reports from \$10,000 to \$25,000.

Attachment H, Monitoring and Reporting Program Performance, requirements are now in subpart C, "Post-Award Requirements," Reports and Records. Proposed is a new section describing recipient responsibilities for monitoring sub-recipients.

Attachment I, Payment Requirements, requirements are now in subpart C, "Post-Award Requirements," Financial and Program Management.

Attachment J, Revisions of Financial Plans, requirements are now in subpart C, "Post-Award Requirements," Reports and Records. The proposed revisions:

- Raise the threshold for restricting fund transfers among direct cost categories from 5 to 10 percent,
- Add a provision to authorize Federal agencies to waive certain prior approval and certain other administrative and programmatic requirements, and
- Add a new section concerning carryover balances.

Attachment K, Close-out Procedures, requirements are now in subpart D, "After Award Requirements." Proposed is a new subparagraph to require recipients to liquidate obligations 90 days after the funding period or the date the project is completed.

Attachment L, Suspension and Termination Procedures, requirements are now in subpart C, "Post-Award Requirements," Termination and Enforcement. The definition of "suspension" is clarified.

Attachment M, Standard Forms for Applying for Federal Assistance, requirements are now in subpart B, "Pre-Award Requirements." The proposed revisions:

- Add a provision authorizing Federal agencies to use application forms other than the SF-424, and
- Add a new section covering use of assistance agreements and contracts and a new section dealing with advance public notice and priority setting.

Attachment N, Property Management Standards, requirements are now in subpart C, "Post-Award Requirements,"

Property Standards. The proposal raises the threshold for defining equipment (formerly nonexpendable personal property) from \$300 to \$5000. Governmentwide patent regulations are incorporated into this section. The nature of Federal interest in property is clarified.

Attachment O, Procurement Standards requirements are now in subpart C, "Post-Award Requirements," Procurement Standards. The proposed revisions:

- Promote the use of small, minority-owned and women's business enterprises,
- Authorize recipients to establish certain standards for defining conflicts of interest,
- Increase the small purchase threshold from \$10,000 to \$25,000, and
- Add contract clauses for Anti-Lobbying and Debarment and Suspension.

With respect to paragraph ____23(l) which contains methods for making payments to recipients, interest earned on advances shall be returned to the Federal agencies. Some recipients suggested that all interest payments be directly returned to the Treasury of the United States. OMB is interested in comments from Federal agencies and recipients on whether interest payments should continue to be made to Federal agencies or made directly to the Treasury of the United States.

Federal agencies are expected to revise all program regulations which are inconsistent with the provisions of this Circular, except to the extent they are required by legislation or approved by OMB. All grants administration provisions of non-codified program manuals, handbooks, and other materials which are inconsistent with the provisions of this Circular will be revised, except to the extent they are required by legislation or approved by OMB.

James Murr,

Associate Director for Legislative Reference and Administration.

Office of Management and Budget

Circular No. A-110

Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations

Uniform Administrative Requirements

To the Heads of Executive Departments and Agencies

Subject: Uniform Administrative Requirements for Grants and Agreements With Institutions of

Higher Education, Hospitals, and Other Non-Profit Organizations

1. Purpose. This Circular sets forth standards for obtaining consistency and uniformity among Federal agencies in the administration of grants to and agreements with institutions of higher education, hospitals, and other non-profit organizations.

2. Authority. Circular A-110 is issued under the authority of 31 U.S.C. 1111, 31 U.S.C. 503, Reorganization Plan No. 2 of 1970, and Executive Order No. 11541.

3. Applicability and Scope. Except as provided herein, the standards set forth in this Circular are applicable to all Federal agencies. If any statute expressly prescribes policies or specific requirements that differ from the standards provided herein, the provisions of the statute shall govern.

The provisions of the sections of this Circular shall be applied to subrecipients performing substantive work under grants and agreements that are passed through or awarded by the primary recipient if such subrecipients are organizations described in paragraph 1.

This Circular does not apply to grants, contracts, or other agreements between the Federal Government and units of State or local governments covered by OMB Circular No. A-102, "Grants and Cooperative Agreements with State and Local Governments," and the Federal agencies' grants management common rule which standardized and codified the administrative requirements Federal agencies impose on State and local grantees, formerly in Circular No. A-102. In addition, subgrants to State or local governments are not covered by this Circular.

4. Requirements and Responsibilities. The specific requirements and responsibilities of Federal agencies and institutions of higher education, hospitals, and other non-profit organizations are set forth in the sections of this Circular. Federal agencies responsible for awarding and administering grants to and other agreements with organizations described in paragraph 1 shall implement the provisions of this Circular by adopting the text of the Circular unless different provisions are required by Federal statute or are approved by OMB.

5. Effective Date. The standards set forth in this Circular which affect Federal agencies will be effective 30 days after publication of the final revision in the **Federal Register**. Those standards which Federal agencies impose on grantees will be adopted by agencies in codified regulations within

six months after publication of the final revision in the *Federal Register*.

6. Policy Review. This Circular will have a policy review three years from date of issuance.

7. Inquiries. Further information concerning this Circular may be obtained by contacting the Office of Federal Financial Management, Office of Management and Budget, Washington, DC 20503, Telephone (202) 395-3993.

Richard G. Darman,
Director.

Attachment

Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations

Subpart A—General

Sec.

- ___1 Purpose.
- ___2 Definitions.
- ___3 Applicability.
- ___4 Effect on other issuances.
- ___5 Deviations.
- ___6 Subawards.

Subpart B—Pre-Award Requirements

- ___10 Purpose.
- ___11 Pre-award policies.
- ___12 Forms for applying for Federal assistance.
- ___13 Debarment and suspension.
- ___14 Special award conditions.
- ___15 Metric system of measurement.
- ___16 Awards and adjustments.

Subpart C—Post-Award Requirements

Financial and Program Management

- ___20 Purpose of financial and program management.
- ___21 Definitions.
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- ___60 Purpose of termination and enforcement.
- ___61 Termination and enforcement.

Subpart D—After Award Requirements

- ___70 Purpose.
- ___71 Definitions.
- ___72 Closeout procedures.
- ___73 Subsequent, adjustments and continuing responsibilities.
- ___74 Collection of amounts due.

Subpart A—General

___1 Purpose. This Part establishes uniform administrative requirements for Federal grants and agreements awarded to institutions of higher education, hospitals, and other non-profit organizations. Federal awarding agencies shall not impose additional or inconsistent requirements, except as provided in paragraph ___5, or unless specifically required by Federal statute or executive order.

___2 Definitions.

(a) *Award* means a legal instrument that provides financial assistance or provides support or stimulation to accomplish a public purpose. Awards include grants and other agreements in the form of money or property in lieu of money, by the Federal Government to an eligible recipient. The term does not include: technical assistance, which provides services instead of money; other assistance in the form of loans, loan guarantees, interest subsidies, or insurance; and, direct payments of any kind to individuals.

(b) *Federal awarding agency* means the Federal agency that provides an award to the recipient.

(c) *Federal funds authorized* means the total amount of Federal funds obligated by the Federal Government for use by the recipient. This amount may include any authorized carryover of unobligated funds from prior fiscal years when permitted by law or agency regulations.

(d) *Funding period* means the period of time when Federal funding is available for obligation by the recipient.

(e) *Project period* means the period established in the award document

during which Federal sponsorship begins and ends.

(f) *Recipient* means an organization receiving financial assistance directly from Federal awarding agencies to carry out a project or program. The term includes public and private institutions of higher education, public and private hospitals, and other quasi-public and private non-profit organizations such as, but not limited to, community action agencies, research institutes, educational associations, and health centers. The term does not include foreign or international organizations (such as agencies of the United Nations) and government-owned contractor-operated facilities or research centers providing continued support for mission-oriented, large-scale programs that are government-owned or controlled, or are designed as federally-funded research and development centers.

(g) *Research and development* means all research activities, both basic and applied, and all development activities that are supported at universities, colleges, and other non-profit institutions. "Research" is defined as a systematic study directed toward fuller scientific knowledge or understanding of the subject studied. "Development" is the systematic use of knowledge and understanding gained from research directed toward the production of useful materials, devices, systems, or methods, including design and development of prototypes and processes.

(h) *Subrecipient* means the legal entity to which a subaward is made and which is accountable to the recipient for the use of the funds provided.

(i) *Subaward* means an award of financial assistance in the form of money, or property in lieu of money, made under an award by a recipient to an eligible subrecipient. The term includes financial assistance when provided by any legal agreement, even if the agreement is called a contract, but does not include procurement purchases, nor does it include any form of assistance which is excluded from the definition of "award" in this subpart.

___3 Applicability. Except as provided in this Part, the standards set forth herein are applicable to all Federal agencies. If any statute expressly prescribes policies or specific requirements that differ from the standards provided in this Part, the provisions of the statute shall govern. This Part does not apply to grants, contracts, or other agreements between the Federal Government and units of State or local governments covered by OMB Circular No. A-102 and the Federal agencies' grants management

common rule which standardized and codified administrative requirements Federal agencies imposed on State and local grantees, formally in Circular No. A-102. In addition, subgrants to State or local governments are not covered by this Part.

____.4 Effect on other issuances. For awards subject to this Part, all administrative requirements of codified program regulations, program manuals, handbooks and other nonregulatory materials which are inconsistent with the requirements of this Part are superseded, except to the extent they are required by statute, or authorized in accordance with the deviation provision in paragraph ____5.

____.5 Deviations. The Office of Management and Budget (OMB) may grant exceptions from the requirements of this Part when exceptions are not prohibited by law. However, in the interest of maximum uniformity, exceptions from the requirements of this Part shall be permitted only in unusual circumstances. Federal awarding agencies may apply more restrictive requirements to a class of recipients when approved by OMB.

____.6 Subawards. The provisions of this Part shall be applied to subrecipients performing work under awards if such subrecipients are institutions of higher education, hospitals or other non-profit organizations.

Subpart B—Pre-Award Requirements

____.10 Purpose. Subpart B prescribes forms and instructions to be used in applying for grants and other agreements.

____.11 Pre-award policies.

(a) Use of Grants and Cooperative Agreements, and Contracts. In each instance, the agency shall decide on the appropriate award instrument (i.e., grant, cooperative agreement, or contract). Sections 6301-08, title 31, United States Code govern the use of grants, cooperative agreements and contracts. A grant or cooperative agreement shall be used only when the principal purpose of a transaction is to accomplish a public purpose of support or stimulation authorized by Federal statute. Contracts shall be used when the principal purpose is acquisition of property or services for the direct benefit or use of the Federal Government. The statutory criterion for choosing between grants and cooperative agreements is that for the latter, "substantial involvement is expected between the executive agency and the State, local government, or other

recipient when carrying out the activity contemplated in the agreement."

(b) Advance Public Notice and Priority Setting.

(1) Agencies shall provide the public with an advance notice in the **Federal Register**, or by other appropriate means, of intended funding priorities for discretionary grant programs, unless funding priorities are established by Federal statute. These priorities shall be approved by a policy level official.

(2) Whenever time permits, agencies shall provide the public an opportunity to comment on intended funding priorities.

(3) All discretionary grant awards in excess of \$25,000 shall be reviewed by a policy level official for consistency with agency priorities.

____.12 Forms for applying for Federal assistance.

(a) Applicants shall use the SF-424 or those forms and instructions prescribed by the Federal awarding agency. Federal awarding agencies shall comply with the applicable report clearance requirements of 5 CFR 1320.

(b) For Federal programs covered by Executive Order 12372, "Intergovernmental Review of Federal Programs," the applicant shall complete the appropriate section of the SF-424 indicating whether the application was subject to review by the State Single Point of Contact (SPOC). The name and address of the SPOC for a particular State can be obtained from the Federal awarding agency or the Catalog of Federal Domestic Assistance. The SPOC shall advise the applicant whether the program for which application is made has been selected by that State for review.

(c) Federal awarding agencies that do not use the SF-424 form should indicate whether the application is subject to review by the State under E.O. 12372.

____.13 Debarment and suspension. Federal awarding agencies, recipients, and subrecipients shall comply with the nonprocurement common rule implementing Executive Order 12549, "Debarment and Suspension." In certain circumstances, the common rule restricts subawards and contracts with certain parties that are debarred, suspended or otherwise excluded from or ineligible for participation in Federal nonprocurement programs or activities.

____.14 Special award conditions. If an applicant or recipient has a history of poor performance, is not financially stable, or has a management system that does not meet the standards prescribed in this Part, Federal awarding agencies may impose additional requirements as needed, provided that such applicant or recipient is notified in writing as to: (a)

why the additional requirements are being imposed, and (b) what corrective action is needed.

____.15 Metric system of measurement. The Metric Conversion Act of 1975, as amended by the Omnibus Trade and Competitiveness Act of 1988 (P.L. 100-418), states a policy preference for the use of the metric system of measurement, except where the use of that system is impractical or likely to cause significant ineffectiveness in the accomplishments of federally-funded activities. Accordingly, it is national policy to encourage recipients of Federal awards to use the metric system of measurement in their federally-related activities. Recipients of Federal funds are encouraged to take similar appropriate actions to use the metric system of measurement.

____.16 Awards and adjustments. Agencies shall notify recipients immediately of any anticipated adjustments in the amount of a grant. This notice shall be provided as early as possible. Reductions in funding shall apply only to periods after notice is provided. Whenever an agency adjusts the amount of a grant, it shall also make an appropriate adjustment to the amount of any required cost sharing or matching.

Subpart C—Post-Award Requirements

____.20 Purpose of financial and program management. Paragraphs ____21 through ____29 prescribe standards for financial management systems, methods for making payments, rules for satisfying cost sharing and matching requirements, and procedures to be used in accounting for program income.

____.21 Definitions.

(a) *Accrued expenditures* means the charges incurred by the recipient during a given period requiring the provision of funds for: (1) Goods and other tangible property received; (2) services performed by employees, contractors, subrecipients, and other payees; and, (3) other amounts becoming owed under programs for which no current services or performance is required.

(b) *Accrued income* means the sum of: (1) earnings during a given period from (i) services performed by the recipient, and (ii) goods and other tangible property delivered to purchasers, and (2) amounts becoming owed to the recipient for which no current services or performance is required by the recipient.

(c) *Advance* means a payment made by Treasury check or other appropriate payment mechanism to a recipient upon its request either before outlays are

made by the recipient or through the use of predetermined payment schedules.

(d) *Cash contributions* means the recipient's cash outlay, including the outlay of money contributed to the recipient by third parties.

(e) *Cost sharing or matching* means that portion of project or program costs not borne by the Federal Government.

(f) *In-kind contributions* means the value of non-cash contributions provided by the recipient and non-Federal third parties. Only when authorized by Federal legislation may property purchased with Federal funds be considered as the recipient's or a third party's in-kind contribution. In-kind contributions may be in the form of charges for real property, equipment, supplies and other expendable property, and the value of goods and services directly benefiting and specifically identifiable to the project or program.

(g) *Obligations* means the amounts of orders placed, contracts and grants awarded, services received and similar transactions during a given period that require payment by the recipient during the same or a future period.

(h) *Outlays or expenditures* means charges made to the project or program. They may be reported on a cash or accrual basis. For reports prepared on a cash basis, outlays are the sum of cash disbursements for direct charges for goods and services, the amount of indirect expense charged, the value of in-kind contributions applied and the amount of cash advances and payments made to subrecipients. For reports prepared on an accrual basis, outlays are the sum of cash disbursements for direct charges for goods and services, the amount of indirect expense incurred, the value of in-kind contributions applied, and the net increase (or decrease) in the amounts owed by the recipient for goods and other property received, for services performed by employees, contractors, subrecipients and other payees and other amounts becoming owed under programs for which no current services or performance are required.

(i) *Program income* means gross income earned by the recipient that is directly generated by a supported activity or earned as a result of the award. Program income includes, but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under federally-funded projects, the sale of commodities or items fabricated under an award, license fees and royalties on patents and copyrights, and interest on loans made with award funds. Interest earned on advances of Federal funds is not program income. Except as

otherwise provided in agency regulations or the terms and conditions of the award, program income does not include the receipt of principal on loans, rebates, credits, discounts, etc., or interest earned on any of them.

(j) *Project costs* means all allowable costs, as set forth in the applicable Federal cost principles, incurred by a recipient and the value of the in-kind contributions made by the recipient or third parties in accomplishing the objectives of the award during the project period.

(k) *Reimbursement* means a payment made by Treasury check or other appropriate payment mechanism to a recipient upon request for reimbursement from the recipient.

(l) *Unliquidated obligations*, for financial reports prepared on a cash basis, means the amount of obligations incurred by the recipient or subrecipient that have not been paid. For reports prepared on an accrued expenditure basis, they represent the amount of obligations incurred by the recipient for which an outlay has not been recorded.

(m) *Unobligated balance* means the portion of the funds authorized by the Federal awarding agency that has not been obligated by the recipient and is determined by deducting the cumulative obligations from the cumulative funds authorized.

22 Standards for financial management systems.

(a) Federal agencies shall require recipients to relate financial data to performance data and develop unit cost information whenever practical.

(b) Federal awarding agencies are encouraged to make suggestions and assist recipients in establishing or improving financial management systems when such assistance is needed or requested.

(c) Recipients' financial management systems shall provide for:

(1) Accurate, current and complete disclosure of the financial results of each federally-sponsored project or program in accordance with the reporting requirements set forth in paragraph 51. If a Federal awarding agency requires reporting on an accrual basis from a recipient that maintains its records on other than an accrual basis, the recipient shall not be required to establish an accrual accounting system. These recipients may develop such accrual data for its reports on the basis of an analysis of the documentation on hand.

(2) Records that identify adequately the source and application of funds for federally-sponsored activities. These records shall contain information pertaining to Federal awards,

authorizations, obligations, unobligated balances, assets, outlays, and income.

(3) Effective control over and accountability for all funds, property and other assets. Recipients shall adequately safeguard all such assets and assure they are used solely for authorized purposes.

(4) Comparison of outlays with budget amounts for each award. Whenever appropriate, financial information should be related to performance and unit cost data.

(5) Procedures to minimize the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement by the recipient, whenever funds are advanced by the Federal Government.

(6) Procedures for determining the reasonableness, allocability and allowability of costs in accordance with the provisions of the applicable Federal cost principles and the terms and conditions of the award.

(7) Accounting records that are supported by source documentation.

(c) Where the Federal Government guarantees or insures the repayment of money borrowed by the recipient, the Federal agency, at its discretion, may require adequate bonding and insurance if the bonding and insurance requirements of the recipient are not deemed adequate to protect the interest of the Federal Government.

(d) The Federal awarding agency may require adequate fidelity bond coverage where the recipient has no or inadequate coverage and the bond is needed to protect the Federal Government's interest.

(e) Where bonds are required in the situations described above, the bonds shall be obtained from companies holding certificates of authority as acceptable sureties, as prescribed in 31 CFR part 223, "Surety Companies Doing Business with the United States."

23 Payment.

(a) Payment methods shall minimize the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement by the recipients.

(b) Recipients are to be paid in advance, provided they maintain or demonstrate the willingness to maintain:

(1) Procedures that minimize the time elapsing between the transfer of funds and disbursement by the recipient, and
(2) financial management systems that meet the standards for fund control and accountability as established in paragraph 22.

(c) Whenever possible, advances shall be consolidated to cover anticipated cash needs for all awards made by the Federal awarding agency to the

recipient. Advance payment mechanisms include, but are not limited to, Treasury check and electronic funds transfer. Advance payment mechanisms are subject to the provisions of the "Intergovernmental Funds Transfer Procedures" (31 CFR 205).

(d) Requests for Treasury check advance payment shall be submitted on SF-270, "Request for Advance or Reimbursement," or other forms as may be authorized by OMB. This form is not to be used when Treasury check advance payments are made to the recipient automatically through the use of a predetermined payment schedule or if precluded by special agency instructions for electronic funds transfer.

(e) Reimbursement is the preferred method when the requirements in subparagraph (c) cannot be met. Federal awarding agencies may also use this method on any construction agreement, or if the major portion of the construction project is accomplished through private market financing or Federal loans, and the Federal assistance constitutes a minor portion of the project. When the reimbursement method is used, the Federal awarding agency shall make payment within 30 days after receipt of the billing, unless the billing is improper.

(f) If a recipient cannot meet the criteria for advance payments and the awarding agency has determined that reimbursement is not feasible because the recipient lacks sufficient working capital, the Federal awarding agency may provide cash on a working capital advance basis. Under this procedure, the Federal awarding agency shall advance cash to the recipient to cover its estimated disbursement needs for an initial period generally geared to the awardee's disbursing cycle. Thereafter, the Federal awarding agency shall reimburse the recipient for its actual cash disbursements.

Treasury Circular 1075 authorizes the working capital advance basis. This is a procedure whereby funds are advanced to the recipient organization to cover its estimated disbursement needs for a given initial period. The working capital advance method of payment shall not be used by recipients if the reason for using such method is the unwillingness or inability of the recipient to provide timely advances to the subrecipient to meet the subrecipient's actual cash disbursements.

(g) To the extent available, recipients shall disburse funds available from repayments to and interest earned on a revolving fund, program income (when income is required to be deducted from total project costs), rebates, refunds, contract settlements, audit recoveries

and interest earned on such funds before requesting additional cash payments.

(h) Unless otherwise required by law, Federal awarding agencies shall not withhold payments for proper charges made by recipients at any time during the project period unless: (1) A recipient has failed to comply with the project objectives, the terms and conditions of the award, or Federal reporting requirements; or (2) the recipient or subrecipient is delinquent in a debt to the United States as defined in OMB Circular No. A-129, "Managing Federal Credit Programs." Under such conditions, the Federal awarding agency may, upon reasonable notice, inform the recipient that payments shall not be made for obligations incurred after a specified date until the conditions are corrected or the indebtedness to the Federal Government is liquidated.

(i) Standards governing the use of banks and other institutions as depositories of funds advanced under awards are as follows:

(1) Except for situations described in subparagraph (2), Federal awarding agencies shall neither require physical segregation of cash depositories for funds which are provided to a recipient nor establish any eligibility requirements for cash depositories for funds which are provided to a recipient.

(2) Advances of Federal funds shall be deposited and maintained in insured accounts whenever possible.

(j) Consistent with the national goal of expanding the opportunities for minority-owned business enterprises, recipients shall be encouraged to use women owned and minority-owned banks (a bank which is owned at least 50 percent by minority group members).

(k) Recipients shall maintain advances of Federal funds in interest bearing accounts, unless the recipient receives total Federal advances under awards of less than \$120,000 per year; or the best reasonably available interest bearing account which would not earn interest in excess of \$250 per year on Federal cash balances or require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.

(l) Interest earned on Federal advances deposited in interest bearing accounts shall be remitted annually to the Federal awarding agencies that provide funding. Interest amounts up to \$250 per year may be retained by the recipient for administrative expense. Universities and hospitals that are entities of a State government shall comply with the provisions of the public law 101-453, the Cash Management

Improvement Act of 1990, as it applies to interest.

(m) Where a funding period is specified, a recipient may charge to the grant only allowable costs resulting from obligations during the funding period unless: (1) Carryover of unobligated balances is permitted, in which case the carryover balances may be charged for costs resulting from obligations of the previous or subsequent funding period; or (2) pre-award costs were authorized by the Federal awarding agency.

(n) Except as noted elsewhere in this Part, only the following forms shall be authorized for the recipients in requesting advances and reimbursements. Federal agencies shall not require more than an original and two copies of these forms.

(1) SF-270, Request for Advance or Reimbursement.

(i) Each Federal awarding agency shall adopt the SF-270 as a standard form for all nonconstruction programs when electronic funds transfer or predetermined advance methods are not used. Federal awarding agencies, however, have the option of using this form for construction programs in lieu of the SF-271, "Outlay Report and Request for Reimbursement for Construction Programs."

(ii) Recipients shall be authorized to submit requests for advances and reimbursements at least monthly when electronic funds transfers are not used.

(2) SF-271, Outlay Report and Request for Reimbursement for Construction Programs.

(i) Each Federal awarding agency shall adopt the SF-271 as the standard form to be used for requesting reimbursement for construction programs. A Federal awarding agency may, however, have the option of substituting the SF-270 when the Federal awarding agency determines that it provides adequate information to meet Federal needs.

(ii) Recipients shall be authorized to submit requests for reimbursement at least monthly when electronic funds transfers are not used.

24 Cost sharing and matching.

(a) All contributions, including cash and in-kind, shall be accepted as part of the recipient's cost sharing or matching when such contributions meet all of the following criteria:

(1) Are verifiable from the recipient's records;

(2) Are not included as contributions for any other federally-assisted program;

(3) Are necessary and reasonable for proper and efficient accomplishment of project objectives;

(4) Are types of charges that are allowable under the applicable cost principles;

(5) Are not paid by the Federal Government under another award, except where authorized by Federal statute to be used for cost sharing or matching;

(6) Are provided for in the approved budget when required by the Federal agency; and

(7) Conform to other provisions of this Part, as applicable.

(b) Values for recipient in-kind contributions shall be established in accordance with the applicable cost principles. If a Federal award authorizes recipients to donate buildings or land for construction/facilities acquisition projects or long-term use, the value of the donated property for cost sharing or matching shall be the lesser of:

(1) The certified value of the property recorded in the recipient's accounting records at the time of donation, or

(2) The current fair market value. However, when there is sufficient justification, the Federal awarding agency may approve the use of the current fair market value of the donated property even if it exceeds the certified value at the time of donation to the project.

(c) Volunteer services furnished by professional and technical personnel, consultants, and other skilled and unskilled labor may be counted as cost sharing or matching if the service is an integral and necessary part of an approved project or program. Rates for volunteer services shall be consistent with those paid for similar work in the recipient's organization. In those instances in which the required skills are not found in the recipient organization, rates shall be consistent with those paid for similar work in the labor market in which the recipient competes for the kind of services involved. In either case, a reasonable amount of fringe benefits may be included in the valuation.

(d) When an employer other than the recipient furnishes the services of an employee, these services shall be valued at the employee's regular rate of pay (plus a reasonable amount of fringe benefits, but exclusive of overhead costs), provided these services are in the same skill for which the employee is normally paid.

(e) Donated supplies and other expendable property includes such items as expendable equipment, office supplies, laboratory supplies or workshop and classroom supplies. Value assessed to supplies and other expendable personal property included in the cost or matching share shall be

reasonable and shall not exceed the fair market value of the property at the time of the donation.

(f) The method used for charging cost sharing or matching for donated equipment, buildings and land for which title passes to the recipient may differ according to the purpose of the award, as follows:

(1) If the purpose of the award is to assist the recipient in the acquisition of equipment, buildings or land, the total value of the donated property may be claimed as cost sharing or matching; or

(2) If the purpose of the award is to support activities that require the use of equipment, buildings or land, normally only depreciation or use charges for equipment and buildings may be made. However, the full value of equipment or other capital assets and fair rental charges for land may be allowed, provided that the Federal awarding agency has approved the charges.

(g) The value of donated property shall be determined in accordance with the usual accounting policies of the recipient, with the following qualifications:

(1) The value of donated land and buildings shall not exceed its fair market value at the time of donation to the recipient as established by an independent appraiser (e.g., certified real property appraiser or General Services Administration representative) and certified by a responsible official of the recipient.

(2) The value of donated equipment shall not exceed the fair market value of equipment of the same age and condition at the time of donation.

(3) The value of donated space shall not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in a privately-owned building in the same locality.

(4) The value of loaned equipment shall not exceed its fair rental value.

(5) The following requirements pertain to the recipient's supporting records for in-kind contributions from third parties:

(i) Volunteer services shall be documented and, to the extent feasible, supported by the same methods used by the recipient for its own employees.

(ii) The basis for determining the valuation for personal service, material, equipment, buildings and land shall be documented.

—.25 Program income.

(a) Federal awarding agencies shall apply the standards set forth in this paragraph in requiring recipient organizations to account for program income related to projects financed in whole or in part with Federal funds.

(b) Program income earned during the project period shall be retained by the recipient and, in accordance with agency regulations or the terms and conditions of the award, shall be used in one or more of the ways listed in (1) through (3):

(1) Added to funds committed to the project by the Federal awarding agency and recipient and used to further eligible project or program objectives;

(2) Used to finance the non-Federal share of the project; or

(3) Deducted from the total project costs in determining the net costs on which the Federal share of costs is based.

(c) When an agency authorizes the disposition of program income as described in subparagraphs (b)(1) or (b)(2), program income in excess of any limits stipulated shall be used in accordance with subparagraph (b)(3).

(d) In the event that the Federal awarding agency does not specify in its regulations or the terms and conditions of the award how program income is to be used, subparagraph (b)(3) shall apply automatically to all programs except research. For awards that support research, subparagraph (b)(1) shall apply automatically.

(e) Unless Federal awarding agency regulations or the terms and conditions of the award provide otherwise, recipients shall have no obligation to the Federal Government regarding program income earned after the end of the project period.

(f) If authorized by Federal awarding agency regulations or the terms and conditions of the award, costs incident to the generation of program income may be deducted from gross income to determine program income, provided these costs have not been charged to the award.

(g) Proceeds from the sale of property shall be handled in accordance with the requirements of the Property standards in paragraphs .33 and .36.

(h) Unless Federal awarding agency regulations or the terms and condition of the award provide otherwise, recipients shall have no obligation to the Federal Government with respect to program income earned from license fees and royalties for copyrighted material, patents, patent applications, trademarks, and inventions produced under an award. However, 35 U.S.C. chapter 18, "Patent Rights in Inventions Made with Federal Assistance," applies to inventions made under an experimental, developmental, or research award.

—.26 Revision of budget and program plans.

(a) The budget plan is the financial expression of the project or program as approved during the award process. It may include either the Federal and non-Federal share, or only the Federal share, depending upon Federal awarding agency requirements. It shall be related to performance for program evaluation purposes whenever appropriate.

(b) Recipients are required to: (1) report deviations from budget and program plans, and (2) request approvals for budget and program plan revisions, in accordance with this paragraph.

(c) For nonconstruction awards, recipients shall request prior approvals from Federal awarding agencies for the following program or budget related reasons:

(1) Change in the scope or the objective of the project or program (even if there is no associated budget revision requiring prior approval);

(2) Change in a key person specified in the application or award document;

(3) The absence for more than three months, or any substantial reduction in time devoted to the project, by the approved project director or principal investigator;

(4) The need for additional Federal funding;

(5) The transfer of amounts budgeted for indirect costs to absorb increases in direct cost, or vice versa, if approval is required by the awarding Federal agency;

(6) The inclusion, unless waived by the Federal agency, of costs that require prior approval in accordance with OMB Circular No. A-21, "Cost Principles for Institutions of Higher Education," or OMB Circular No. A-122, "Cost Principles for Non-Profit Organizations." No other approval requirements for specific items may be imposed unless a deviation has been approved by OMB;

(7) The transfer of funds allotted for training allowances (direct payment to trainees) to other categories of expense; or

(8) The subaward, transfer or contracting out of any substantive programmatic work under an award. This provision does not apply to the purchase of supplies, material, equipment or general support services.

(d) Except for requirements listed in subparagraphs (c)(1) and (c)(4), Federal awarding agencies are authorized, at their option, to waive cost-related and administrative prior approvals required by this Part and OMB Circulars Nos. A-21 and A-122. Such waivers may include authorization to:

(1) Incur pre-award costs up to 90 days prior to award at the recipient's risk (i.e., the Federal awarding agency is

under no obligation to reimburse such costs if for any reason the recipient does not receive an award or if the award is less than anticipated and inadequate to cover such costs);

(2) Initiate a one-time extension of expiration date of the award up to 12 months provided: (A) the terms and conditions of award do not prohibit the extension, (B) the extension does not require additional Federal funds, (C) the extension does not involve any changes in the approved objectives or scope of the project, and (D) the recipient notifies the Federal awarding agency in writing with the supporting reasons at least 10 days before the expiration date specified in the award. This one-time extension may not be exercised merely for the purpose of using unobligated balances; or

(3) Carry forward unobligated balances to subsequent funding periods without prior Federal awarding agency approval.

(e) The Federal awarding agency may, at its option, restrict the transfer of funds among direct cost categories or programs, functions and activities for awards in which the Federal share of the project exceeds \$100,000 and the cumulative amount of such transfers exceeds or is expected to exceed 10 percent of the total budget as last approved by the Federal awarding agency. No Federal awarding agency shall permit a transfer that would cause any Federal appropriation or part thereof to be used for purposes other than those consistent with the original intent of the appropriation.

(f) All other changes to nonconstruction budgets, except for the changes described in subparagraph (h), do not require prior approval.

(g) For construction awards, recipients shall request prior approval promptly from Federal awarding agencies for budget revisions whenever:

(1) The revision results from changes in the scope or the objective of the project or program,

(2) The need arises for additional Federal funds to complete the project, or

(3) A revision is desired which involves specific costs for which prior approval requirements may be imposed consistent with OMB Circulars Nos. A-21, "Cost Principles for Educational Institutions," or A-122, "Cost Principles for Non-Profit Organizations."

(4) No other prior approval requirements for specific items may be imposed unless a deviation has been approved by OMB.

(h) When a Federal awarding agency makes an award that provides support for both construction and nonconstruction work, the Federal

awarding agency may require the recipient to request prior approval from the Federal awarding agency before making any fund or budget transfers between the two types of work supported.

(i) For both construction and nonconstruction awards, Federal awarding agencies shall require recipients to notify the Federal awarding agency promptly whenever the amount of Federal authorized funds is expected to exceed the needs of the recipient by more than \$5000 or five percent of the Federal award, whichever is greater. This notification shall not be required if an application for additional funding is submitted for a continuing award.

(j) When requesting approval for budget revisions, recipients shall use the budget forms that were used in the application unless the Federal awarding agency indicates a letter of request suffices.

(k) Within 30 calendar days from the date of receipt of the request for budget revisions, Federal awarding agencies shall review the request and notify the recipient whether the budget revisions have been approved. If the revision is still under consideration at the end of 30 calendar days, the Federal awarding agency shall inform the recipient in writing of the date when the recipient may expect the decision.

27 Non-Federal audits.

(a) Subrecipients that are institutions of higher education or other non-profit organizations shall be subject to the audit requirements contained in OMB Circular No. A-133, "Audits of Institutions of Higher Education and Other Non-Profit Institutions."

(b) State and local government recipients shall be subject to the audit requirements contained in the Single Audit Act of 1984 (31 U.S.C. 7501-7) and Federal awarding agency regulations implementing OMB Circular No. A-128, "Audits of State and Local Governments."

(c) Hospitals not covered by the audit provisions of OMB Circular No. A-133 shall be subject to the audit requirements of the Federal awarding agencies.

28 Allowable costs. For each kind of organization, there is a set of Federal principles for determining allowable costs. Allowability of costs shall be determined in accordance with the cost principles applicable to the organizations incurring the costs. Thus, allowability of costs incurred by State, local or federally-recognized Indian tribal government is determined in accordance with the provisions of OMB Circular No. A-87, "Cost Principles for

State and Local Governments." The allowability of costs incurred by non-profit organizations is determined in accordance with the provisions of OMB Circular No. A-122, "Cost Principles for Non-Profit Organizations." The allowability of costs incurred by institutions of higher education is determined in accordance with the provisions of OMB Circular No. A-21, "Cost Principles for Educational Institutions." The allowability of costs incurred by hospitals is determined in accordance with the provisions of Appendix E of 45 CFR Part 74, "Principles for Determining Costs Applicable to Research and Development Under Grants and Contracts with Hospitals." The allowability of costs incurred by commercial organizations is determined in accordance with the provisions of the Federal Acquisition Regulation (FAR), Part 31.

____.29 Carryover balances. Where a funding period is specified, a recipient may charge to the grant only allowable costs resulting from obligations of the funding period unless: (1) carryover of unobligated balances is permitted, in which case the carryover balances may be charged for costs resulting from obligations of the previous funding period; or (2) pre-award costs were authorized by the awarding agency. When required by OMB, agencies shall gather data to identify to OMB the amounts of balances available for carryover into subsequent grant periods. This presentation shall detail the fiscal and programmatic (level of effort) impact in the following period.

____.30 Purpose of property standards. Paragraphs ____30 through ____39 set forth uniform standards governing management and disposition of property furnished by the Federal Government or whose cost was charged to a project supported by a Federal award. Federal awarding agencies shall require recipients to observe these standards under awards and shall not impose additional requirements, unless specifically required by Federal law. The recipient may use its own property management standards and procedures provided it observes the provisions of paragraphs ____30 through ____39.

____.31 Definitions.

(a) *Acquisition cost of equipment* means the net invoice price of the equipment, including the cost of modifications, attachments, accessories, or auxiliary apparatus necessary to make the property usable for the purpose for which it was acquired. Other charges, such as the cost of installation, transportation, taxes, duty or protective in-transit insurance, shall

be included or excluded from the unit acquisition cost in accordance with the recipient's regular accounting practices.

(b) *Equipment* means tangible nonexpendable personal property having a useful life of more than one year and an acquisition cost of \$5000 or more per unit. A recipient may use its own definition of equipment provided that such definition would at least include all equipment criteria defined in paragraph ____36.

(c) *Excess property* means property under the control of any Federal awarding agency that, as determined by the head thereof, is no longer required for its needs or the discharge of its responsibilities.

(d) *Exempt property* means tangible personal property acquired in whole or in part with Federal funds, and title to which is vested in the recipient without further obligation to the Federal Government, except as provided in paragraph ____34. Such unconditional vesting of title is pursuant to any Federal legislation that provides the Federal awarding agency with adequate authority.

(e) *Intangible property and debt instruments* means, but is not limited to, trademarks, copyrights, patents and patent applications (except for a subject invention, as the term is used in 37 CFR Part 401, "Rights to Inventions Made by Non-Profit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements") and such property as loans, notes and other debt instruments, lease agreements, stock and other instruments of property ownership, whether considered tangible or intangible.

(f) *Personal property* means property of any kind except real property. It may be tangible, having physical existence, or intangible, having no physical existence, such as copyrights, patents, or securities.

(g) *Real property* means land, including land improvements, structures and appurtenances thereto, but excluding movable machinery and equipment.

(h) *Supplies and other expendable personal property* means all tangible personal property other than equipment.

(i) *Suspension* means an action by a Federal awarding agency that temporarily suspends Federal sponsorship under an award, pending corrective action by the recipient or pending a decision to terminate the award by the Federal agency. Suspension of an award is a separate action from suspension under agency regulations implementing E.O. 12549, "Debarment and Suspension."

(j) *Termination* means the cancellation of Federal sponsorship, in whole or in part, under an agreement at any time prior to the date of completion.

____.32 Insurance coverage. Recipients shall, at a minimum, provide the same insurance coverage as provided to other property owned by the recipient.

____.33 Real property. Each Federal awarding agency shall prescribe requirements for recipients concerning the use and disposition of real property acquired partly or wholly under awards. Unless otherwise provided by statute, such requirements, at a minimum, shall contain the following:

(a) Title to real property shall vest in the recipient subject to the condition that the recipient shall use the real property for the authorized purpose of the project as long as it is needed.

(b) The recipient shall obtain approval by the Federal awarding agency for the use of real property in other federally-sponsored projects when the recipient determines that the property is no longer needed for the purpose of the original project. Use in other projects shall be limited to those under federally-sponsored projects (i.e., awards) or programs that have purposes consistent with those authorized for support by the Federal awarding agency.

(c) When the real property is no longer needed as provided in subparagraphs (a) and (b), the recipient shall request disposition instructions from the Federal awarding agency or its successor Federal awarding agency. The Federal awarding agency shall observe the rules herein in the disposition instructions:

(1) The recipient may be permitted to retain title after it compensates the Federal Government in an amount computed by applying the Federal percentage of participation in the cost of the original project to the current fair market value of the property;

(2) The recipient may be directed to sell the property under guidelines provided by the Federal awarding agency and pay the Federal Government an amount computed by applying the Federal percentage of participation in the cost of the original project to the proceeds from sale (after deducting actual and reasonable selling and fix-up expenses, if any, from the sales proceeds). When the recipient is authorized or required to sell the property, proper sales procedures shall be established that provide for competition to the extent practicable and result in the highest possible return; or

(3) The recipient may be directed to transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, the recipient shall be entitled to compensation computed by applying the recipient's percentage of participation in the cost of the program or project to the current fair market value of the property.

—34 Federally-owned and exempt property.

(a) Title to federally-owned property remains vested in the Federal Government. Recipients shall submit annually an inventory listing of federally-owned property in their custody to the Federal awarding agency. Upon completion of the award or when the property is no longer needed, the recipient shall report the property to the Federal awarding agency for further Federal agency utilization.

(b) If the Federal awarding agency has no further need for the property, it shall be declared excess and reported to the General Services Administration. Appropriate instructions shall be issued to the recipient by the Federal awarding agency.

(c) When statutory authority exists (e.g., 31 U.S.C. 6306, "Authority to Vest Title in Tangible Personal Property for Research"), title to nonexpendable personal property acquired with award funds, shall be vested in the recipient upon acquisition, unless it is determined that to do so is not in furtherance of the objectives of the Federal awarding agency. When title is vested in the recipient, the recipient shall have no other obligation or accountability to the Federal Government for its use or disposition, except as provided in subparagraph —36(e)(1)(iv).

—35 Transfers of title or other interests in property to private parties. Notwithstanding any other provision of this Part, real property and assets subject to Executive Order 12803, "Infrastructure Privatization" (57 FR 19063, May 4, 1992), shall be transferred in accordance with the provisions of the Order.

—36 Equipment.

(a) When equipment is acquired by a recipient with award funds, title shall not be taken by the Federal Government but shall vest in the recipient.

(b) The recipient shall use the property in the project or program for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When no longer needed for the original project or program, the recipient shall use the property in connection with its other federally-sponsored activities, in the following

order of priority: (i) activities sponsored by the Federal awarding agency which funded the original project, then (ii) activities sponsored by other Federal agencies.

(c) During the time that non-exempt equipment is held for use on the project or program for which it was acquired, the recipient shall make it available for use on other projects or programs if such other use will not interfere with the work on the project or program for which the equipment was originally acquired. First preference for such other use shall be given to other projects or programs sponsored by the Federal awarding agency that financed the property; second preference shall be given to projects or programs sponsored by other Federal agencies. If the property is owned by the Federal Government, use on other activities not sponsored by the Federal Government shall be permissible if authorized by the Federal agency. User charges shall be treated as program income.

(d) The recipient's property management standards for equipment and government-furnished property shall include the following procedural requirements:

(1) Property records shall be maintained accurately and shall include the following information:

- (i) A description of the property;
- (ii) Manufacturer's serial number, model number, Federal stock number, national stock number, or other identification number;
- (iii) Source of the property, including the award number;
- (iv) Whether title vests in the recipient or the Federal Government;
- (v) Acquisition date (or date received, if the property was furnished by the Federal Government) and cost;
- (vi) Information from which one can calculate the percentage of Federal participation in the cost of the property (not applicable to property furnished by the Federal Government);
- (vii) Location, use and condition of the property and the date the information was reported;
- (viii) Unit acquisition cost;
- (ix) Ultimate disposition data, including date of disposal and sales price or the method used to determine current fair market value where a recipient compensates the Federal awarding agency for its share.

(2) Property owned by the Federal Government shall be marked to indicate Federal ownership.

(3) A physical inventory of property shall be taken and the results reconciled with the property records at least once every two years. Any differences between quantities determined by the

physical inspection and those shown in the accounting records shall be investigated to determine the causes of the difference. The recipient shall, in connection with the inventory, verify the existence, current utilization, and continued need for the property.

(4) A control system shall be in effect to insure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft of nonexpendable property shall be investigated and fully documented; if the property was owned by the Federal Government, the recipient shall promptly notify the Federal awarding agency.

(5) Adequate maintenance procedures shall be implemented to keep the property in good condition.

(6) Where the recipient is authorized or required to sell the property, proper sales procedures shall be established which provide for competition to the extent practicable and result in the highest possible return.

(e) When the recipient no longer needs the property, the property may be used for other activities in accordance with the following standards:

(1) For equipment with a unit acquisition cost of \$5000 or more, the recipient may retain the property for other uses provided that compensation is made to the original Federal awarding agency or its successor. The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the original project or program to the current fair market value of the property. If the recipient has no need for the property and the property has further use value, the recipient shall request disposition instructions from the Federal awarding agency. The Federal awarding agency shall determine whether the property can be used to meet the agency's requirements. If no requirement exists within that agency, the availability of the property shall be reported to the General Services Administration by the Federal awarding agency to determine whether a requirement for the property exists in other Federal agencies. The Federal awarding agency shall issue instructions to the recipient no later than 120 days after the recipient's request and the following procedures shall govern:

(i) If so instructed or if disposition instructions are not issued within 120 calendar days after the recipient's request, the recipient shall sell the property and reimburse the Federal awarding agency an amount computed by applying to the sales proceeds the percentage of Federal participation in

the cost of the original project or program. However, the recipient shall be permitted to deduct and retain from the Federal share \$500 or ten percent of the proceeds, whichever is less, for the recipient's selling and handling expenses.

(ii) If the recipient is instructed to ship the property elsewhere, the recipient shall be reimbursed by the benefiting Federal awarding agency an amount which is computed by applying the percentage of the recipient's participation in the cost of the original project or program to the current fair market value of the property, plus any reasonable shipping or interim storage costs incurred.

(iii) If the recipient is instructed to otherwise dispose of the property, the recipient shall be reimbursed by the Federal awarding agency for such costs incurred in its disposition.

(iv) For items of equipment, the Federal awarding agency may reserve the right to transfer the title to the Federal Government or to a third party named by the Federal Government when such third party is otherwise eligible under existing statutes. Such transfer shall be subject to the following standards:

(A) The property shall be appropriately identified in the award or otherwise made known to the recipient in writing.

(B) The Federal awarding agency shall issue disposition instructions within 120 calendar days after the end of the Federal support of the project for which it was acquired. If the Federal awarding agency fails to issue disposition instructions within the 120 calendar day period, the recipient shall apply the standards of this paragraph, as appropriate.

(C) When the Federal awarding agency exercises its right to take title, the equipment shall be subject to the provisions for federally-owned equipment.

(D) When title is transferred either to the Federal Government or to a third party, the provisions of this paragraph shall be followed.

—37 Supplies and other expendable property.

(a) Title to supplies and other expendable property shall vest in the recipient upon acquisition. If there is a residual unused inventory of such property exceeding \$5000 in total aggregate value upon termination or completion of the award, and the property is not needed for any other federally-sponsored project or program, the recipient shall retain the property for use on non-Federal sponsored activities or sell it, but shall, in either case,

compensate the Federal Government for its share. The amount of compensation shall be computed in the same manner as equipment.

(b) The recipient shall not use equipment acquired with Federal funds to provide services for a fee that is less than private companies charge for equivalent services, unless specifically authorized by Federal statute.

—38 Intangible property.

(a) The recipient may copyright any work that is subject to copyright and was developed, or for which ownership was purchased, under an award. The Federal awarding agency(ies) reserve a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes, and to authorize others to do so.

(b) Recipients are subject to applicable regulations governing patents and inventions, including governmentwide regulations issued by the Department of Commerce at 37 CFR part 401, "Rights to Inventions Made by Non-Profit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements."

(c) Unless waived by the Federal awarding agency, the Federal Government has the right to:

(1) Obtain, reproduce, publish or otherwise use the data first produced under an award; and

(2) Authorize others to receive, reproduce, publish, or otherwise use such data.

(d) Title to intangible property and debt instruments acquired under an award or subaward vests upon acquisition in the recipient, respectively. The recipient shall use that property for the originally-authorized purpose, and the recipient shall not dispose of or encumber the intangible property and debt instruments. When no longer needed for the originally authorized purpose, disposition transfer of the intangible property shall occur in accordance with the provisions of subparagraph —36(e).

—39 Property trust relationship.

Real property, equipment, and intangible property and debt instruments that are acquired or improved with Federal funds shall be held in trust by the recipient as trustee for the beneficiaries of the project or program under which the property was acquired or improved. Agencies may require recipients to record liens or other appropriate notices of record to indicate that personal or real property has been acquired or improved with Federal funds and that use and disposition conditions apply to the property.

—40 Purpose of procurement standards. Paragraphs —40 through —48 set forth standards for use by recipients in establishing procedures for the procurement of supplies and other expendable property, equipment, real property and other services with Federal funds. These standards are furnished to ensure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal law and executive orders. No additional procurement standards or requirements shall be imposed by the Federal awarding agencies upon recipients, unless specifically required by Federal statute or executive order.

—41 Recipient responsibilities.

The standards contained in this paragraph do not relieve the recipient of the contractual responsibilities arising under its contract(s). The recipient is the responsible authority, without recourse to the Federal awarding agency, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurement entered into in support of an award or other agreement. This includes disputes, claims, protests of award, source evaluation or other matters of a contractual nature. Matters concerning violation of law are to be referred to such Federal, State or local authority as may have proper jurisdiction.

—42 Codes of conduct. The recipient shall maintain written standards of conduct governing the performance of its employees engaged in the award and administration of contracts. No employee, officer, or agent shall participate in the selection or in the award or administration of a contract supported by Federal funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the firm selected for an award. The officers, employees, and agents of the recipient shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, or parties to subagreements. However, recipients may set standards governing when the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct shall provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the recipient.

43 Competition. All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition. The recipient shall be alert to organizational conflicts of interest or noncompetitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, invitations for bids and/or requests for proposals shall be excluded from competing for such procurements. Awards shall be made to the bidder or offeror whose bid or offer is responsive to the solicitation and is most advantageous to the recipient, price, quality and other factors considered. Solicitations shall clearly set forth all requirements that the bidder or offeror shall fulfill in order for his bid or offer to be evaluated by the recipient. Any and all bids or offers may be rejected when it is in the recipient's interest to do so.

44 Procurement procedures.

(a) All recipients shall establish written procurement procedures that provide for, as a minimum, the following procedural requirements:

(1) Proposed procurement actions shall follow a procedure to avoid purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical and practical procurement.

(2) Solicitations for goods and services shall be based upon a clear and accurate description of the technical requirements for the material, product or service to be procured. In competitive procurements, such a description shall not contain features which unduly restrict competition. "Brand name or equal" descriptions may be used as a means to define the performance or other salient requirements of a procurement, and, when so used, the specific features of the named brand which shall be met by bidders or offerors shall be clearly specified.

(3) Whenever practicable, descriptions of technical requirements shall be stated in terms of functions to be performed or performance required, including the range of acceptable characteristics or of the minimum acceptable standards. Although not preferred, "brand name or equal" descriptions may be used as a means to define the performance or their salient requirements of a procurement. When so used, the specific features of the named brand that bidders or offerors are

required to meet shall be clearly specified.

(4) To the extent practicable and economically feasible, products and services dimensioned in the metric system of measurement shall be accepted without prejudice, and acquisition planning shall consider metric requirements.

(5) Products and services acquired by recipients should be environmentally sound and energy efficient. To the extent practicable and economically feasible, recipients shall give preference to acquiring products and services that conserve natural resources and protect the environment.

(b) Positive efforts shall be made by recipients to utilize small businesses, minority-owned firms, and women's business enterprises whenever possible. Recipients of Federal awards shall take the following steps to further this goal:

(1) Ensure that small businesses, minority-owned firms, and women's business enterprises are used to the fullest extent practicable;

(2) Make information on forthcoming opportunities available and arrange time frames for purchases and contracts to encourage and facilitate participation by small businesses, minority-owned firms, and women's business enterprises;

(3) Consider in the contract process whether firms competing for larger contracts intend to subcontract with small businesses, minority-owned firms, and women's business enterprises;

(4) Encourage contracting with consortiums of small businesses, minority-owned businesses, and women's business enterprises when a contract is too large for one of these firms to handle individually; and

(5) Use the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Department of Commerce's Minority Business Development Agency in the solicitation and utilization of small businesses, minority-owned business enterprises, and women's business enterprises.

(c) The type of procuring instruments used, e.g., fixed price contracts, cost reimbursable contracts, purchase orders, incentive contracts, shall be determined by the recipient but shall be appropriate for the particular procurement and for promoting the best interest of the program involved. The "cost-plus-a-percentage-of-cost" or "percentage of construction cost" methods of contracting shall not be used.

(d) Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of the proposed procurement. Consideration

shall be given to such matters as contractor integrity, record of past performance, financial and technical resources or accessibility to other necessary resources. In certain circumstances, contracts with certain parties are restricted by agencies' implementation of E.O. 12549, Debarment and Suspension.

(e) Recipients shall, on request, make available for the Federal awarding agency pre-award review and procurement documents, such as request for proposals or invitations for bids, independent cost estimates, etc., when any of the following conditions listed apply:

(1) A recipient's procurement procedures or operation fails to comply with the procurement standards in this subpart;

(2) The procurement is expected to exceed the small purchase threshold fixed at 41 U.S.C. 403(11) (currently \$25,000) and is to be awarded without competition or only one bid or offer is received in response to a solicitation;

(3) The procurement, which is expected to exceed the small purchase threshold, specifies a "brand name" product;

(4) The proposed award over the small purchase threshold is to be awarded to other than the apparent low bidder under a sealed bid procurement; or

(5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the amount of the small purchase threshold.

45 Cost and price analysis. Some form of price or cost analysis shall be made in connection with every procurement action. Price analysis may be accomplished in various ways, including the comparison of price quotations submitted, market prices and similar indicia, together with discounts. Cost analysis is the review and evaluation of each element of cost to determine reasonableness, allocability and allowability.

46 Procurement records. Procurement records and files for purchases in excess of the small purchase threshold shall include the following at a minimum: (a) basis for contractor selection, (b) justification for lack of competition when competitive bids or offers are not obtained, and (c) basis for award cost or price.

47 Contract administration. A system for contract administration shall be maintained to ensure contractor conformance with the terms, conditions and specifications of the contract and to ensure adequate and timely follow up of

all purchases. Recipients shall evaluate contractor performance and document, as appropriate, whether contractors have met the terms, conditions and specifications of the contract.

48. Contract provisions. The recipient shall include, in addition to provisions to define a sound and complete agreement, the following provisions in all contracts. These provisions shall also be applied to subcontracts:

(a) Contracts in excess of the small purchase threshold shall contain contractual provisions or conditions that allow for administrative, contractual, or legal remedies in instances in which a contractor violates or breaches the contract terms, and provide for such remedial actions as may be appropriate.

(b) All contracts in excess of the small purchase threshold shall contain suitable provisions for termination by the recipient, including the manner by which termination shall be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

(c) Except as otherwise required by law, an award that requires the contracting (or subcontracting) for construction or facility improvements shall provide for the recipient to follow its own requirements relating to bid guarantees, performance bonds, and payment bonds unless the construction contract or subcontract exceeds \$100,000. For those contracts or subcontracts exceeding \$100,000, the Federal awarding agency may accept the bonding policy and requirements of the recipient, provided the Federal awarding agency has made a determination that the Federal Government's interest is adequately protected. If such a determination has not been made, the minimum requirements shall be as follows:

(1) A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder shall, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

(2) A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

(3) A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

(4) Where bonds are required in the situations described herein, the bonds shall be obtained from companies holding certificates of authority as acceptable sureties pursuant to 31 C.F.R. 223, Surety Companies Doing Business with the United States.

(d) All negotiated contracts (except those for less than the small purchase threshold) awarded by recipients shall include a provision to the effect that the recipient, the Federal agency, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers and records of the contractor which are directly pertinent to a specific program for the purpose of making audits, examinations, excerpts and transcriptions.

(e) All contracts, including small purchases, awarded by recipients and their contractors or subrecipients shall comply with the provisions of Appendix A to this Part, as applicable.

50. Purpose of reports and records. Paragraphs 50 through 53 set forth the procedures for monitoring and reporting on the recipient's financial and program performance and promulgates the necessary standard reporting forms. They also set forth record retention requirements.

51. Monitoring and reporting program performance.

(a) Recipients are responsible for managing the operations of activities carrying out awards and monitoring subaward activities. Recipient monitoring shall cover each program, function or activity supported by the award. Recipients shall monitor subawards to ensure subrecipients have met the audit requirements of OMB Circular No. A-133, "Audits of Institutions of Higher Education and other Non-Profit Institutions," and Circular No. A-128, "Audits of State and Local Governments," as applicable.

(b) The Federal awarding agency shall prescribe the frequency with which the performance reports shall be submitted. Except as provided in subparagraph 51 (f), performance reports shall not be required more frequently than quarterly or, generally, less frequently than annually.

(c) Where inappropriate, a final technical or performance report shall

not be required after completion of the project.

(d) When required, performance reports shall contain, for each award, brief information on the following:

(1) A comparison of actual accomplishments with the goals and objectives established for the period, the findings of the investigator, or both. Whenever appropriate and the output of programs or projects can be readily quantified, such quantitative data should be related to cost data for computation of unit costs.

(2) Reasons why established goals were not met, if appropriate.

(3) Other pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

(e) Recipients shall not be required to submit more than the original and two copies of performance reports.

(f) Recipients shall notify the Federal awarding agency of developments that have a significant impact on the award-supported activities. Also, notification shall be given in the case of problems, delays, or adverse conditions which materially impair the ability to meet the objectives of the award. This notification shall include a statement of the action taken or contemplated, and any assistance needed to resolve the situation.

(g) Federal awarding agencies may make site visits, as needed.

(h) Federal awarding agencies shall comply with clearance requirements of 5 C.F.R. Part 1320, "Controlling Paperwork Burdens on the Public," when requesting performance data from recipients.

52. Financial reporting.

(a) Only the following forms are authorized for obtaining financial information from recipients:

(1) SF-269 or 269A, Financial Status Report.

(i) Each Federal awarding agency shall require recipients to use the SF-269 or 269A to report the status of funds for all nonconstruction projects or programs. A Federal awarding agency may, however, have the option of not requiring the SF-269 or 269A when the SF-270, Request for Advance or Reimbursement, or SF-272, Report of Federal Cash Transactions, is determined to provide adequate information to meet its needs, except that a final SF-269 or 269A shall be required at the completion of the project when the SF-270 is used only for advances.

(ii) The Federal awarding agency shall prescribe whether the report shall be on a cash or accrual basis. If the Federal awarding agency requires accrual

information and the recipient's accounting records are not normally kept on the accrual basis, the recipient shall not be required to convert its accounting system, but shall develop such accrual information through best estimates based on an analysis of the documentation on hand.

(iii) The Federal awarding agency shall determine the frequency of the Financial Status Report for each project or program, considering the size and complexity of the particular project or program. However, the report shall not be required more frequently than quarterly or less frequently than annually. A final report shall be required at the completion of the agreement.

(iv) Federal awarding agencies shall require recipients to submit the SF-269 or 269A (an original and no more than two copies) no later than 30 days after the end of each specified reporting period for quarterly and semi-annual reports, and 90 days for annual and final reports. Extensions of reporting due dates may be approved by the Federal awarding agency upon request of the recipient.

(2) SF-272, Report of Federal Cash Transactions.

(i) When funds are advanced to recipients through electronic funds transfer, Federal awarding agencies shall require each recipient to submit the SF-272 and, when necessary, its continuation sheet, SF-272a. The Federal awarding agency shall use this report to monitor cash advanced to recipients and to obtain disbursement information for each agreement with the recipients.

(ii) Federal awarding agencies may require forecasts of Federal cash requirements in the "Remarks" section of the report.

(iii) When practical and deemed necessary, Federal awarding agencies may require recipients to report in the "Remarks" section the amount of cash advances in excess of three days requirements in the hands of subrecipients. Recipients shall provide short narrative explanations of actions taken by the recipients to reduce the excess balances.

(iv) Recipients shall be required to submit not more than the original and two copies of the SF-272 15 working days following the end of each quarter. The Federal awarding agencies may require a monthly report from those recipients receiving advances totaling \$1 million or more per year.

(v) Federal awarding agencies may waive the requirement for submission of the SF-272 when monthly advances do not exceed \$25,000 per recipient,

provided that such advances are monitored through other forms contained in this paragraph or if, in the Federal awarding agency's opinion, the recipient's accounting controls are adequate to minimize excessive Federal advances.

(b) When the Federal awarding agencies need additional information or more frequent reports, the following shall be observed:

(1) When additional information is needed to comply with legislative requirements, Federal awarding agencies shall issue instructions to require recipients to submit such information under the "Remarks" section of the reports.

(2) When a Federal awarding agency determines that a recipient's accounting system does not meet the standards in paragraph ____21, additional pertinent information to further monitor awards may be obtained upon written notice to the recipient until such time as the system is brought up to standard.

(3) The Federal awarding agency in obtaining information, as provided in subparagraphs ____52(b)(1) and ____52(b)(2), shall comply with report clearance requirements of 5 C.F.R. Part 1320.

(c) Federal awarding agencies are encouraged to shade out any line item on any report if not necessary.

(d) Federal awarding agencies shall accept the identical information from the recipients in machine readable format or computer printouts in lieu of prescribed formats.

(e) Federal awarding agencies may provide computer outputs to recipients when it expedites or contributes to the accuracy of reporting.

____53 Retention and access requirements for records.

(a) This paragraph sets forth requirements for record retention and access to records for awards to recipients. Federal awarding agencies shall not impose any other record retention or access requirements upon recipients and subrecipients.

(b) Financial records, supporting documents, statistical records, and all other records pertinent to an award shall be retained for a period of three years from the date of submission of the final expenditure report or, for awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, as authorized by the Federal awarding agency. The only exceptions are as follows:

(1) If any litigation, claim, or audit is started before the expiration of the 3-year period, the records shall be retained until all litigation, claims or

audit findings involving the records have been resolved.

(2) Records for real property and equipment acquired with Federal funds shall be retained for 3 years after final disposition.

(3) When records are transferred to or maintained by the Federal agency, the 3-year retention requirement is not applicable to the recipient.

(c) Copies of original records may be substituted for the original records if authorized by the Federal agency.

(d) The Federal awarding agency shall request transfer of certain records to its custody from recipients when it determines that the records possess long-term retention value. However, in order to avoid duplicate recordkeeping, a Federal awarding agency may make arrangements for recipients to retain any records that are continuously needed for joint use.

(e) The Federal awarding agency, including the Inspector General, Comptroller General of the United States, or any of their duly authorized representatives, have the right of timely and unrestricted access to any books, documents, papers, or other records of recipients that are pertinent to the awards, in order to make audits, examinations, excerpts, transcripts and copies of such documents. This right also includes timely and reasonable access to a recipient's personnel for the purpose of interview and discussion related to such documents. The rights of access in this paragraph are not limited to the required retention period, but shall last as long as records are retained.

(f) Unless required by law, no Federal awarding agency shall place restrictions on recipients that limit public access to the records of recipients that are pertinent to an award, except when the Federal awarding agency can demonstrate that such records shall be kept confidential and would have been exempted from disclosure pursuant to the Freedom of Information Act (5 U.S.C. 552) if the records had belonged to the Federal agency.

____60 Purpose of termination and enforcement. Paragraphs ____60 and ____61 set forth uniform suspension and termination procedures for awards to recipients and subrecipients.

____61 Termination and enforcement.

(a) Federal awarding agencies shall provide procedures to be followed when a recipient has failed to comply with the terms and conditions of an award. When that occurs, the Federal awarding agency may, on reasonable notice to the recipient, suspend the award, withhold

further payments, or prohibit the recipient from incurring additional obligations of funds, pending corrective action by the recipient, or a decision to terminate. The Federal awarding agency shall allow all necessary and proper costs that the recipient could not reasonably avoid during the period of suspension, provided that the costs meet the provisions of the applicable Federal cost principles.

(b) Federal awarding agencies shall provide for the systematic settlement of terminated awards including the following:

(1) The Federal awarding agency may terminate any award in whole or in part at any time before the date of completion, whenever it is determined that the recipient has failed to comply with the terms and conditions of an award. The Federal awarding agency shall promptly notify the recipient in writing of the determination and the reasons for the termination together with the effective date. Payments made to recipients or recoveries by Federal awarding agencies under awards so terminated shall be in accordance with the legal rights and liabilities of the parties.

(2) The Federal awarding agency or recipient may terminate awards in whole or in part when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of a partial termination, the portion to be terminated. However, if the awarding agency determines in the case of a partial termination that the reduced or modified portion of the award will not accomplish the purposes for which the award was made, it may terminate the award in its entirety under either subparagraphs _____.61 (b)(1) or _____.61 (b)(2). The recipient shall not incur new obligations for the terminated portion after the effective date and shall cancel as many outstanding obligations as possible. The Federal awarding agency shall allow full credit to the recipient for the Federal share of the noncancellable obligations, properly incurred by the recipient prior to termination.

(3) If costs are allowed under an award, the responsibilities of the recipient referred to in paragraph _____.72, including those for property management as applicable, shall be considered in the termination of the award, and provision shall be made for continuing responsibilities of the recipient after termination, as appropriate.

Subpart D—After Award Requirements

_____.70 Purpose. Paragraphs _____.70 through _____.74 contain closeout procedures and other procedures for subsequent disallowments and adjustments.

_____.71 Definitions.

(a) *Closeout* means the process by which a Federal awarding agency determines that all applicable administrative actions and all required work of the award have been completed by the recipient and Federal agency.

(b) *Date of completion* means the date on which all work under an award is completed or the date on the award document, or any supplement or amendment thereto, on which Federal sponsorship ends.

(c) *Disallowed costs* means those charges to an award that the Federal awarding agency determines to be unallowable, in accordance with the applicable Federal cost principles or other terms and conditions contained in the award.

_____.72 Closeout procedures.

(a) The Federal awarding agency shall obtain from the recipient within 90 calendar days after the date of completion of the award all financial, performance, and other reports as required by the terms and conditions of the award. The Federal awarding agency may grant extensions when requested by the recipient.

(b) Unless the Federal awarding agency authorizes an extension, a recipient shall liquidate all obligations incurred under the award not later than 90 days after the funding period or the date of completion as specified in the award or in agency regulations.

(c) The Federal awarding agency shall make prompt payments to a recipient for allowable reimbursable costs under the award being closed out.

(d) The recipient shall promptly refund any balances of unobligated cash that the Federal awarding agency has advanced or paid and that is not authorized to be retained by the recipient for use in other projects. OMB Circular No. A-129, "Managing Federal Credit Programs," governs unreturned amounts that become delinquent debts.

(e) When authorized by the terms and conditions of the award, the Federal awarding agency shall make a settlement for any upward or downward adjustments to the Federal share of costs after these reports are received.

(f) The recipient shall account for any property acquired with Federal funds or received from the Federal Government in accordance with paragraphs _____.30 to _____.39.

(g) In the event a final audit has not been performed prior to the closeout of an award, the Federal awarding agency shall retain the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.

_____.73 Subsequent adjustments and continuing responsibilities.

(a) The closeout of an award does not affect:

(1) The right of the Federal awarding agency to disallow costs and recover funds on the basis of a later audit or other review;

(2) The obligation of the recipient to return any funds due as a result of later refunds, corrections, or other transactions;

(3) Audit requirements in paragraph _____.27;

(4) Property management requirements in paragraphs _____.332-39;

(5) Records retention as required in paragraph _____.53;

(b) After closeout of an award, a relationship created under an award may be modified or ended in whole or in part with the consent of the Federal awarding agency and the recipient, provided the responsibilities of the recipient referred to in subparagraph _____.73(a), including those for property management as applicable, are considered and provisions made for continuing responsibilities of the recipient, as appropriate.

_____.74 Collections of amounts due.

(a) Any funds paid to a recipient in excess of the amount to which the recipient is finally determined to be entitled under the terms and conditions of the award constitute a debt to the Federal Government. If not paid within a reasonable period after the demand for payment, the Federal awarding agency may reduce the debt by:

(1) Making an administrative offset against other requests for reimbursements,

(2) Withholding advance payments otherwise due to the recipient, or

(3) Taking other action permitted by law.

(b) Except where otherwise provided by statutes or regulations, the Federal awarding agency shall charge interest on an overdue debt in accordance with the Federal Claims Collection Standards (4 CFR Ch. II).

Appendix A—Contract Provisions

All contracts, awarded by a recipient including small purchases, shall contain the following provisions as applicable:

1. *Equal Employment Opportunity*—All contracts shall contain a provision requiring

compliance with Executive Order 11246, "Equal Employment Opportunity," as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and as supplemented by Department of Labor regulations (41 CFR part 60).

2. *Copeland "Anti-Kickback" Act (18 U.S.C. 874)*—All contracts and subgrants in excess of \$2000 for construction or repair awarded by recipients and subrecipients shall include a provision for compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874), as supplemented by Department of Labor regulations (29 CFR part 3). The Act provides that each contractor or subrecipient shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The recipient shall report all suspected or reported violations to the Federal awarding agency.

3. *Davis-Bacon Act, as amended (40 U.S.C. 276a to a-7)*—When required by Federal program legislation, all construction contracts awarded by the recipients and subrecipients of more than \$2000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (29 CFR part 5). Under this Act, contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than once a week. The recipient shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The recipient shall report all suspected or reported violations to the Federal awarding agency.

4. *Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333)*—Where applicable, all contracts awarded by recipients in excess of \$2000 for construction contracts and in excess of \$2500 for other contracts that involve the employment of mechanics or laborers shall include a provision for compliance with sections 102 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), as supplemented by Department of Labor regulations (29 CFR part 5). Under section 102 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than 1½ times the basic rate of pay for all hours worked in excess of 40 hours in the work week. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous to his health and safety and health standards promulgated by the Secretary of Labor. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

5. *Rights to Inventions Made Under a Contract or Agreement*—Contracts or agreements for the performance of experimental, developmental, or research work shall provide for the rights of the Federal Government and the recipient in any resulting invention in accordance with 37 CFR part 401, "Rights to Invention Made by Non-Profit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

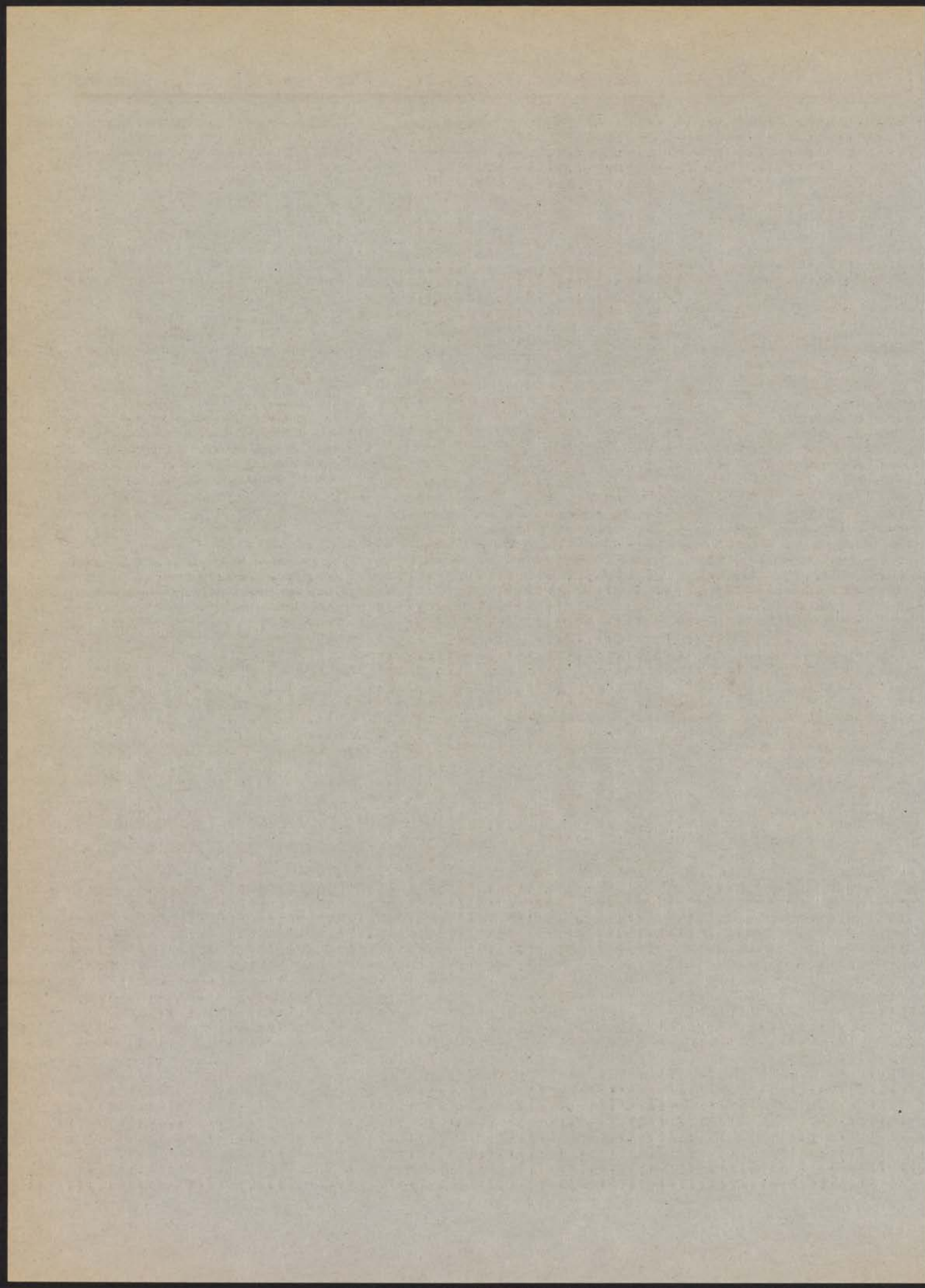
6. *Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.)*, as amended—Contracts and subgrants of amounts in excess of \$100,000 shall contain a provision that requires the recipient to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq.). Violations shall be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

7. *Anti-Lobbying (31 U.S.C. 1352)*—Contractors who apply or bid for an award of \$100,000 or more shall file a certification with the recipient stating that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Such contractors shall also disclose any lobbying that takes place in connection with obtaining any Federal award.

8. *Debarment and Suspension (E.O. 12549)*—No contracts shall be made to parties listed on the General Services Administration's List of Parties Excluded from Federal Procurement or Nonprocurement Programs in accordance with Executive Order 12549, "Debarment and Suspension." This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than Executive Order 12549.

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Estimate Federal Labor

Thursday
August 27, 1992

Part IV

Department of Labor

Mine Safety and Health Administration

30 CFR Parts 18 and 75

Electric Motor-Driven Mine Equipment
and Accessories and High-Voltage
Longwall Equipment Standards for
Underground Coal Mines; Proposed Rule

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 18

Electric Motor-Driven Mine Equipment and Accessories; High-Voltage Longwalls

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Proposed rule.

SUMMARY: This proposed rule would address the Mine Safety and Health Administration's (MSHA) approval requirements for electric motor-driven mine equipment and accessories. Specifically, the proposal would add approval requirements in 30 CFR part 18 for high-voltage electrical equipment operated in longwall faces areas of underground mines. These additional requirements would update the existing part 18 provisions consistent with advances in mining technology and would reduce paperwork requirements where possible.

DATES: All comments and information should be submitted by October 26, 1992.

ADDRESSES: Send comments to Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, MSHA, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, MSHA (703) 235-1910.

SUPPLEMENTARY INFORMATION:**I. Paperwork Reduction Act**

Manufacturers seeking approval for longwall equipment would continue to be required to submit applications for approval including related drawings, drawing lists, specifications, wiring diagrams, and descriptions. However, the paperwork burden for this application process is included in existing § 18.6 which is approved under OMB control number 1219-0066.

II. Background

The Mine Safety and Health Administration (MSHA) is proposing to revise its existing part 18 electric motor-driven mine equipment and accessories approval requirements by adding specific requirements for high-voltage longwall equipment in underground mines. These revisions are proposed pursuant to section 508 of the Federal Mine Safety and Health Act of 1977, (30 U.S.C. 957).

This high-voltage longwall approval proposal is being published in

conjunction with proposed part 75 safety standards regarding high-voltage longwall equipment. Some elements of both proposals were contained in electrical proposal for part 75 which was published on December 4, 1989 (54 FR 50062). The new part 75 proposal would provide maintenance, installation, and use requirements for high-voltage longwalls in underground coal mines. The new part 18 proposal would provide for additional high-voltage specifications that must be met in order for the manufacturer to obtain MSHA approval of high-voltage longwall equipment.

III. Discussion of Proposed Rule**A. General Discussion**

The design of safe high-voltage electric equipment has improved dramatically in recent years. It is practical to build a high-voltage longwall system that is both efficient and safe. This proposal would provide improved design requirements for longwall equipment in part 18 consistent with existing requirements in part 18. The safety criteria supporting this proposal are based on research conducted over the past 18 years.

In 1974, the Mining Enforcement and Safety Administration (MESA) received a request for approval of a tunnel boring machine incorporating a 7200/480 volt transformer. At that time, the Agency was concerned that the explosion-proof enclosure housing the transformer would not withstand the internal pressure generated by a short circuit phase-to-phase fault. Tests designed to determine if the enclosure would maintain its integrity during a short circuit fault were conducted on the enclosure at the Westinghouse High Power Laboratory. During one of the tests, the enclosure lid sustained a permanent distortion of approximately three inches and fire was observed coming from the joint between the lid and the case. Testing was repeated with a new enclosure lid. Five bolts on a side cover plate broke and the plate sustained a permanent distortion.

In 1976, tests were conducted on a redesignated transformer enclosure with current-limiting fuses incorporated to limit the energy during a fault. The enclosure contained the fault with no detectable distortion.

Under the provisions of 30 CFR 18.82, an experimental permit incorporating conditions of use was issued after successful completion of further tests. One of the conditions of use required current-limiting fuses in each phase of the circuit supplying power to the

enclosure housing the high voltage transformer.

Several years later the Department of Energy issued a contract to evaluate high-voltage permissible load centers. The responsibility of the research was later transferred to the U.S. Bureau of Mines (BOM). There were four major phases of the program: (1) A comprehensive industry survey, literature search and state-of-the-art review; (2) development of a high energy arc testing program; (3) development of a recommended permissible loadcenter approval criteria; and (4) design, construction and testing of a high-voltage permissible loadcenter.

Under a BOM research contract, a test program was conducted to evaluate the pressure rise caused by a high-energy fault with and without a simultaneous methane-air explosion inside an enclosure. Based upon this research, a recommended set of criteria for approval of high-voltage permissible loadcenters was developed.

MSHA concluded that several refinements were needed to the recommended approval criteria. MSHA also decided that the criteria should be expanded to include design and testing requirements used in evaluating equipment that contain on-board high-voltage switchgear. The work carried out in these contracts lasted from about 1980 to 1986.

Near the completion time of this research, MSHA evaluated equipment incorporating on-board switching of high-voltage circuits. Based on the completed research and the use of vacuum contactors, this equipment was granted experimental permits under § 18.82 for an initial period of 6 months.

The first MSHA experimental permit for high-voltage on-board switching was granted for a 2400 volt longwall system in July, 1985. Ten additional 2400 volt longwall systems and two 4160 volt continuous (boring) miners received permits enabling operation of on-board switching. The longwall systems were located in underground mines; the continuous miners were in trona mines. MSHA conducted follow-up inspections on five high-voltage machines and systems operating under experimental permits as a part of its internal research relating to explosion-proof enclosures which contain high-voltage switching. Based upon these experiences, comments and input obtained from the mining community, experimental work at the Canadian Explosive Atmospheres Laboratory and the BOM, and MSHA engineering reports, MSHA developed an approval criteria for high-voltage

equipment incorporating on-board switching of high-voltage circuitry.

The developed criteria was applied to high-voltage longwalls through § 18.47(d)(6) which provides for recognition of improved technology. Using these criteria, MSHA has issued more than 40 approvals to permissible equipment incorporating on-board switching of high-voltage circuitry. These approvals include the conversion of the experimental permits that were issued originally to approvals. MSHA is proposing in this rulemaking action to revise part 18 to incorporate these criteria.

This proposal addresses only those areas where MSHA believes specific additions to part 18 are necessary for the approval of high voltage longwalls. Where the existing requirements of part 18 can address this equipment, those sections have not been modified. Examples of these types of requirements are for the general construction requirements of the enclosures and the short circuit and overload protection to be provided. The overload and short circuit protective device settings, while not specifically identified in the present requirements would continue to be evaluated as to their adequacy as has been done under the present policy.

The main concerns addressed in this proposal can be summarized into four areas: (1) Prevention of a high-voltage arc from occurring; (2) prevention of the resulting heat or flame from igniting a methane-air mixture surrounding the machine, if an arc or methane explosion occurred; (3) prevention of enclosure failure from an increased pressure rise, if an arc or methane explosion occurred within the explosion-proof enclosure; and (4) personnel protection for miners working in or around the high-voltage equipment. The proposal would address these concerns as discussed in the following section-by-section discussion.

B. Section-By-Section Discussion

Section 18.53 High-Voltage Longwall Mining Systems (Nameplate Ratings From 1001 Volts Through 4160 Volts)

Paragraph (a) would require the separation of compartments containing low and medium voltage circuits from those with high voltage circuits in each motor starter enclosure by location, partitions or barriers. Barriers and partitions would be specified to be constructed of grounded metal or non-conductive insulating board. The separation of high voltage circuits from low and medium voltage circuits should prevent inadvertent contact with high voltage conductors by personnel during

trouble shooting of low and medium voltage circuits.

Compliance with this section would result in the components within each enclosure being segregated into separate compartments by the classification of their function. The installation of the barriers and partitions would provide for the separation of components in each motor-starter enclosure within a control and communication, motor contractor, or disconnect device compartment. Since complete separation of voltage classifications is not possible with barriers or partitions where both high and medium or low voltage circuits are connected to a component or device, that component would be located in the motor contractor or disconnect device compartment. The low or medium voltage circuits used to operate or monitor components or devices located in the motor contractor or disconnect device compartment would be separated as much as possible by routing and location within these enclosures.

Paragraph (b) would require cover interlocks to be installed on the cover of any compartment containing high-voltage components of a motor starter enclosure. These interlock switches would assure that personnel entering enclosures would be protected from accidental contact with energized circuits should the wrong circuit be disconnected. This paragraph would further specify that a minimum of two interlocks per cover be required if switches of the plunger-operated type are used to meet this requirement. These two switches, which rely on movement of a shaft to operate, would be required to be wired into the circuitry so that operation of either switch would deenergize the high voltage circuits. This provision would be consistent with existing MSHA policy that has required the installation of a second switch as a back-up on the high voltage longwalls that have been approved using plunger-operated switches for cover interlocks. This policy is based on MSHA's experience in follow-up inspections of high voltage equipment operating under experimental permits with plunger-operated switches. These inspections have shown that this type of switch may stick and not operate effectively after exposure to the mine environment. The Agency believes that a second switch coupled with required maintenance would provide the necessary protection to ensure that the high-voltage circuits are deenergized whenever a cover is removed.

Paragraph (c) would stipulate that circuit interrupting devices be designed and installed to prevent automatic

reclosure. Automatic reclosing of circuit breakers has the potential of placing personnel in hazardous situations due to unanticipated reenergization of the circuit.

Paragraph (d) would specify that control transformers have electrostatic (Faraday) shielding, grounded by at least a #12 AWG grounding conductor, incorporated between the primary and secondary windings. The Faraday shielding provides electrical isolation between the high voltage primary and low voltage secondary windings of these transformers. Faraday shielding of control transformers assures that transients occurring on the primary circuit are not transferred to the secondary circuit.

Paragraph (d) would also provide for the secondary nominal voltage of the control transformer to be no more than 120 volts, line-to-line. This provision is consistent with the existing policy interpretation of part 18 control voltage limitations under § 18.47.

Paragraph (e) would require test circuits to be provided to verify the integrity and proper operation of the ground wire monitors and ground fault protective devices. Providing test circuits for ground wire monitors and ground fault circuits would assure that the protective devices in these circuits could be tested frequently in a manner that minimizes the personnel hazards of conducting the tests. Providing these test circuits incorporated in the longwall circuitry would eliminate the need to test these protective devices by other means that could place personnel in close proximity to exposed energized conductors.

Paragraph (f) would require each longwall motor starter enclosure, with the exception of a controller on a shearer, to be equipped with a disconnect device (isolator switch). Opening of the device would deenergize all high voltage power conductors extending from the enclosure, except the conductors supplying power to the enclosure.

Paragraph (f)(1) would specify that a single handle provide for simultaneous operation through a mechanical connection of multiple switches located within an enclosure. The simultaneous operation of multiple switches by the use of a single handle would ensure that all high voltage conductors within the enclosure are deenergized. This arrangement would ensure that personnel entering enclosures would be protected from accidental contact with energized circuits in the event the wrong circuit was disconnected.

Paragraph (f)(2) would further define the requirements of a disconnect device. The switch would be required to be rated for the maximum phase-to-phase voltage of the circuit in which it is installed. The ability to verify, by visual observation, whether the switch's contacts are opened would also be required. This verification would be required to be achievable without the removal of any enclosure cover. The removal of an enclosure cover to verify opening of the contacts would present the increased possibility of personnel exposure to energized high voltage components.

Also included under this paragraph would be the requirements that all load-side power conductors be grounded and the device be provided with a means to be locked when the device is in the "open" position. These requirements would guard against the hazard of maintenance personnel being exposed to high voltage energized parts due to residual voltage or inadvertent energization of the circuit.

The final requirements of this paragraph address the interrupting capability of the disconnect device. When the device is installed in an explosion-proof enclosure, the device would be required to be designed and installed to cause the current to be interrupted automatically prior to the opening of the device. This would address the concern of preventing failure of an explosion-proof enclosure from an increased pressure rise, if an arc or methane explosion occurred within the explosion-proof enclosure. When the enclosure is not explosion-proof, as in outby switching, the device would be required to either be installed in the circuit so that the circuit is automatically interrupting prior to the opening of the device or the device would be required to be capable of interrupting the full-load current of the circuit.

Paragraph (g) would address the interlocking of the disconnect device. The proposed interlocking would prevent the control circuit for the high voltage motor starters from being energized when the disconnect device is open except through an auxiliary switch with the load power conductors of the high voltage circuit in the grounded position. A further requirement would be that the disconnect device cannot be closed without deenergizing the incoming high-voltage circuit unless the auxiliary switch is in the normal operating position. These interlocking requirements would increase the probability that the high voltage circuits will be isolated and deenergized prior to

performing testing and troubleshooting on the low and medium voltage circuits.

Paragraph (h) would clarify that the electrical protection is to be set at an appropriate value to provide protection for the size and length of the longwall motor and shearer cable used, based on the available fault current. Existing part 18 includes trailing cable length restrictions as specified in Table 9, Appendix 1 that have, in the past, been used as guidance in evaluating cables on longwalls rated at less than 1000 volts. These length restrictions do not apply to longwall motor and shearer cables. The procedures used in evaluating high voltage longwalls include a review of the study submitted by the applicant to determine the minimum expected short circuit currents available for the electrical system at the projected installation.

Paragraph (i) would require all longwall motor and shearer cables with nominal voltages greater than 660 volts to be of a shielded construction with a grounded metallic shield around each power conductor. The use of these cables is very similar to that of trailing cables on all permissible equipment. This proposal would parallel the existing part 18 requirements for trailing cables, except for the present option that allows the use of a shielded construction with a grounded metallic shield around the entire assembly. The incorporation of the grounded shield around each power conductor provides added personnel protection against shock and electrocution hazards because any cable faults would cause phase-to-ground short circuit currents to flow. An extra level of protection is achieved since the phase-to-ground short circuit currents, unlike the phase-to-phase short circuit currents that may flow from faults in other cable constructions, are limited in magnitude by the grounding circuit components.

Paragraph (j) would specify that high-voltage motor and shearer circuits are to be provided with instantaneous ground-fault protection set at not more than 0.125 amperes. The current transformers (CT) used for ground-fault protection shall be of the single window type and installed to encircle all three power conductors. The 0.125 ampere setting for the ground fault protection would provide a level of protection that guards against shock and electrocution hazards. Although the fault has been shunted to ground potential, the possibility would still exist for touch potentials to be present on frames of faulted equipment. This potential could be due to system impedances that include, but are not

limited to, contact resistance, and conductor impedances.

The use of the single window type current transformer encircling all three power conductors is the most reliable method for detection of ground faults in mine power systems. This type of relaying (zero-sequence) is not affected by CT error and gives very sensitive tripping. This scheme is widely used in mining at all voltages. Requiring all three phase conductors to be encircled by the CT would prohibit the equipment safety grounding conductors from passing through or being connected in series with the CT. If the safety grounding conductor passed through or was connected in series with the CT, it would be possible for the fault currents to flow through parallel paths, thereby reducing the reliability of the ground fault protection.

Paragraph (k) would require safeguards against corona to be provided on all 4160 volt circuits in explosion-proof enclosures. One danger inherent with high-voltage equipment is that excessive electrical stress can cause premature breakdown of insulating materials. The BOM and MSHA research has resulted in the determination that corona does not present a problem on 2400 volt systems, but may effect 4160 volt systems. Adequately and properly prepared corona protection minimizes the stresses placed on insulation and acts to reduce stress related insulation failures.

Paragraph (l) would require a means of safely limiting the maximum explosion pressure rise within an enclosure to 0.83 times the design pressure for any explosion-proof enclosure containing high-voltage switchgear. This proposed requirement is based on BOM and MSHA research on effects of high-voltage arcing in explosion-proof enclosures. This research concluded that the effects of a sustained high-voltage-arcing fault significantly contributes to the pressure rise created in an explosion-proof enclosure during an internal methane-air explosion. This potential increased pressure rise can be safely addressed through a combination of designing the enclosure for the increased pressure and providing electrical protective devices set to deenergize the incoming circuit before the pressure rise resulting from the arcing fault becomes excessive. The proposal would require the maximum explosion pressure rise to be limited to a value that can be safely contained within the explosion-proof enclosure (83% of the design pressure) with performance-oriented language to permit compliance through any achievable

means. Protective methods that have been used in the previously issued approvals and experimental permits consisted of electrical devices with rapid clearing times, however, the proposal would permit alternative methods that may provide equal protection, such as pressure switches or special pressure release devices.

Paragraph (m) would specify that high-voltage electrical components located in high-voltage explosion-proof enclosures are not to be coplanar with a single-plane flame-arresting path. This protective measure would further prevent the heat or flame from an arc or methane explosion in an explosion-proof enclosure from igniting a methane-air mixture surrounding the enclosure. This requirement would address the possibility of particles of conductor material being expelled from the enclosure through the flame-arresting path. Particles of molten material are emitted from the conductors whenever a short-circuit occurs between electrodes. Expulsion of these particles from the enclosure can occur if their source is in the same plane as the flame-arresting path, and a pressure rise coincides with the short circuit. Once these particles are expelled from the explosion-proof enclosure, they can ignite an explosive atmosphere should one be present. This possibility does not arise with multi-plane flame-arresting path surfaces since a deflection in the path would prevent ignitions by expelled particles.

Paragraph (n) would address MSHA's concern with the decomposition of insulating materials due to tracking. Tracking can allow a normally undetectable level of current to flow in and across the surface layer of the insulation. Using insulation with an adequate comparative tracking index (CTI) rating can prevent tracking. Proposed paragraph (n) would require rigid insulation between high-voltage terminals or between high-voltage terminals and ground to be designed with creepage distances in accordance with the table included in this section. The required creepage distances would be determined based upon the phase-to-phase voltage to be addressed and the CTI of the insulation to be used. Creepage distance is based in part on the CTI of the electrical insulating material. An appropriate method of determining the CTI of the electrical insulating material is described in the American Society for Testing and Materials Standard, ASTM D3638-85 "Standard Test Method For Comparative Tracking Index of Electrical Insulating Materials". The MSHA derived creepage distances

contained in the table are consistent with most commercially available high voltage components to which this provision would apply.

Paragraph (o) addresses a requirement for Minimum Free Distance (MFD) within an explosion proof motor-starter enclosure. An MSHA technical investigation determined that, if phase-to-phase arcing occurred, there may be adequate arc energy to heat the walls of the enclosure beyond the safe working temperature. Distances between the wall or cover of an enclosure and uninsulated electrical conductors inside the enclosure were established to prevent wall or cover damage due to phase-to-phase arcing.

Paragraph (p) would require a static pressure test to be performed on each prototype design of explosion-proof enclosure housing high-voltage switchgear prior to explosion tests. The manufacturer would also be required to use this test as a routine test on every explosion-proof enclosure housing high-voltage switchgear, at the time of manufacture, or follow an MSHA accepted quality assurance procedure covering welding and inspection of the enclosure.

The test procedure would specify that the enclosure be internally pressurized to a pressure no less than the design pressure, with the pressure maintained for a minimum of 10 seconds. Following the pressure hold, the pressure would be removed and the pressurizing agent removed from the enclosure.

The criteria upon which acceptable performance is to be based would also be provided in this paragraph. Acceptable performance would be achieved if the enclosure, during pressurization, does not exhibit leakage through welds or casting or rupture of any part that affects the explosion-proof integrity of the enclosure. Further, the enclosure following removal of the pressurizing agents would be required to not exhibit visible cracks in welds, permanent deformation exceeding 0.040 inches per linear foot, or excessive clearances along flame-arresting paths following retightening of fastenings, as necessary. The occurrence of any of the above conditions would constitute unacceptable performance.

MSHA is concerned about the specified design pressure of an enclosure. Presently, an enclosure that is designed for 150 psig is tested with a methane explosion. Normally, these pressures do not exceed 100 psi. Since the protective method to prevent overpressurization in these enclosures would be directly related to the design pressure, MSHA has developed the

static pressure test with its acceptable performance criteria to insure each enclosure design would be capable of withstanding its design pressure. By requiring static pressure testing on each enclosure prototype, MSHA believes that the adequacy of the enclosures' design would be verified. Additionally, requiring either subsequent static pressure testing on each enclosure manufactured or an acceptable quality assurance program guarantees the integrity of later manufactured units.

IV. Executive Order 12291 and Regulatory Flexibility Act

Executive Order 12291 requires that a Regulatory Impact Analysis (RIA) be performed for any rule that would have a \$100 million or more annual effect on the economy or a major increase in costs or prices for consumers or individual industries. The Assistant Secretary has determined that this proposed rule would not result in these effects. In order to justify this determination, MSHA has provided a preliminary RIA (PRIA) which determines the cost impact of requirements in proposed parts 75 and 18. In its PRIA the agency states that since the proposed rule for part 18 is based on existing § 18.47(d)(6), and as manufacturers are already in compliance with this requirement, there would be no compliance costs associated with this part 18 proposal. The PRIA is available for MSHA upon request.

Under the Regulatory Flexibility Act of 1980, MSHA is required to analyze the impact of the proposed rule upon small mining operations. There would be no economic impact upon small mining operations since no small mines operate longwall equipment and since no compliance costs are associated with proposed part 18.

V. Metric Measurements

In accordance with section 5164 of the Omnibus Trade and Competitiveness Act of 1988, MSHA at some time in the future, intends to begin to provide both metric and English specifications in rules. Such an approach should assist industry in converting to metric measurements where appropriate. However, current applications under part 18 can be and are submitted with metric measurements. MSHA is considering the development of metric equivalents for high-voltage longwall systems that would be incorporated during the development of a separate metric approval schedule. MSHA requests comments on the availability of metric equipment and supplies and

metric nominal safety equivalences of the English inch-pound measurements in this proposed rule.

List of Subjects in 30 CFR Part 18

Approval regulations, Electric motor-driven mine equipment and accessories, Mine safety and health.

Dated: August 20, 1992.

William J. Tattersall,

Assistant Secretary for Mine Safety and Health.

Accordingly, subpart B of part 18, chapter I, title 30 of the Code of Federal Regulations is proposed to be amended as follows:

PART 18—ELECTRIC MOTOR-DRIVEN MINE EQUIPMENT AND ACCESSORIES

1. The authority citation for part 18 continues to read as follows:

Authority: U.S.C. 957 and 961.

2. A new § 18.53 is added to part 18 to read as follows:

§ 18.53 High-voltage longwall mining systems.

(a) Each disconnect device compartment, control communications compartment, and motor contactor compartment, shall be separated by location, barriers, or partitions to prevent exposure of personnel to energized high-voltage conductors or parts. Barriers or partitions shall be constructed of grounded metal or non-conductive insulating board.

(b) Each cover of a compartment in the high-voltage motor-starter enclosure containing high-voltage components shall be equipped with interlock switches arranged to automatically deenergize the high-voltage components within that compartment when the cover is removed. When the switches are of the plunger-operated type a minimum of two per cover shall be used and installed so that operation of either will deenergize the high-voltage circuits.

(c) Circuit interrupting devices shall be designed and installed to prevent automatic reclosure.

(d) Transformers with high-voltage primary windings that supply control voltages shall incorporate grounded electrostatic (Faraday) shielding between the primary and secondary windings. The shielding shall be connected to equipment ground by a minimum No. 12 AWG grounding conductor. The secondary nominal voltage shall not exceed 120 volts line to line.

(e) Test circuits shall be provided for checking the condition of ground wire monitors and ground-phase protection without exposing personnel to energized circuits.

(f) Each motor-starter enclosure, with the exception of a controller on a shearer, shall be equipped with a disconnect device (isolator switch) installed to deenergize all high-voltage power conductors extending from the enclosure when the device is in the "open" position.

(1) When multiple switches located in the same enclosure are used to satisfy the above requirement they shall be mechanically connected to provide simultaneous operation by one handle.

(2) The disconnect device shall be rated for the maximum phase-to-phase voltage and the full load current of the circuit in which it is located, and installed so that—

(i) It can be determined by visual observation that the contacts are open without removing any cover;

(ii) The load-side power conductors are grounded when the device is in the "open" position;

(iii) The device can be locked in the "open" position;

(iv) When located in an explosion-proof enclosure, the device shall be designed and installed to cause the current to be interrupted automatically prior to the opening of the contacts; and

(v) When located in a non-explosion-proof enclosure, the device shall be designed and installed to cause the current to be interrupted automatically prior to the opening of the device or is

capable of interrupting the full-load current of the circuit.

(g) Control circuits for the high-voltage motor starters shall be interlocked with the disconnect device so that—

(1) The control circuit can be powered through an auxiliary switch in the test position only when the disconnect device is in the open and grounded position; and

(2) Neither the main circuit interrupting device, nor the disconnect device can be closed without deenergizing the incoming high-voltage circuit unless the auxiliary switch is in the normal operating position.

(h) A study to determine the minimum available fault current shall be submitted for use to ensure adequate protection for the length and conductor size of the longwall motor and shearer cables.

(i) Longwall motor and shearer cables with nominal voltages greater than 660 volts shall be of a shielded construction with a grounded metallic shield around each power conductor.

(j) High-voltage motor and shearer circuits shall be provided with instantaneous ground-fault protection set at not more than 0.125 amperes. Current transformers used for this protection shall be of the single-window type and shall be installed to encircle all three phase conductors.

(k) Safeguards against corona shall be provided on all 4160 voltage circuits in explosion-proof enclosures.

(1) The maximum pressure rise within an explosion-proof enclosure containing high-voltage switchgear shall be limited to .83 times the design pressure.

(m) High-voltage electrical components located in high-voltage explosion-proof enclosures shall not be coplanar with a single plane flame-arresting path.

(n) Rigid insulation between high-voltage terminals or high-voltage terminals and ground shall be designed with creepage distances in accordance with the following table:

MINIMUM CREEPAGE DISTANCES

| Phase-to-phase voltage | Points of measure | Minimum creepage distances (inches) for CTI range* | | | |
|------------------------|-------------------|--|-----------------|-----------------|-----------|
| | | CTI ≥ 500 | 380 ≤ CTI < 500 | 175 ≤ CTI < 380 | CTI < 175 |
| 2,400 | 0-0 | 1.50 | 1.95 | 2.40 | 2.90 |
| | 0-G | 1.00 | 1.25 | 1.55 | 1.85 |
| 4,160 | 0-0 | 2.40 | 3.15 | 3.90 | 4.65 |
| | 0-G | 1.50 | 1.95 | 2.40 | 2.90 |

*Assumes that all insulation is rated for the applied voltage or higher.

(c) Explosion-proof motor-starter enclosures shall be designed to establish the minimum free distance (MFD) in accordance with the following table:

HIGH-VOLTAGE MINIMUM FREE DISTANCES (MFD)

| Wall/cover thickness (in) | Steel MFD (in) | | Aluminum MFD (in) | |
|---------------------------|----------------|-------|-------------------|------|
| | A | B | A | B |
| 1/4 | 2.8 | 5.8 | — | — |
| 3/8 | 1.8 | 3.9 | 8.6 | 18.1 |
| 1/2 | * 1.2 | 2.7 | 6.5 | 13.0 |
| 3/4 | * .9 | 2.1 | 5.1 | 10.4 |
| 1 | * .6 | 1.6 | 4.1 | 8.6 |
| 1 1/4 | (*) | * 1.0 | 2.9 | 6.2 |

*The minimum electrical clearances must still be maintained.

Column A specifies the MFD for enclosures that have available 3 phase bolted short circuit currents of 10,000 amperes rms or less.

Column B specifies the MFD for enclosures that have a maximum available 3 phase bolted short circuit currents greater than 10,000 and less than or equal to 20,000 amperes rms.

The minimum free distance shown in the above table shall be increased by 1.5 inches for 4160 volt systems and 0.7 inches for 2400 volt systems when the adjacent wall area is the top of the enclosure. If a steel shield is mounted in conjunction with an aluminum wall or cover, the thickness of the steel shield is used to determine the minimum free distances.

(p) The following static pressure test shall be performed on each prototype design of explosion-proof enclosure housing high-voltage switchgear prior to the explosion tests. The static pressure test shall also be performed on every explosion-proof enclosure housing high-voltage switchgear, at the time of manufacture, unless the manufacturer uses an MSHA accepted quality assurance procedure covering welding and inspection of the enclosure.

(1) *Test procedure.* (i) The enclosure shall be internally pressurized to a minimum of the design pressure, maintaining the pressure for a minimum of 10 seconds.

(ii) Following the pressure hold, the pressure shall be removed and the pressurizing agent removed from the enclosure.

(2) *Acceptable performance.* (i) The enclosure during pressurization shall not exhibit—

(A) Leakage through welds or casting; or

(B) Rupture of any part that affects the explosion-proof integrity of the enclosure.

(ii) The enclosure following removal of the pressurizing agents shall not exhibit—

(A) Visible cracks in welds;

(B) Permanent deformation exceeding 0.040 inches per linear foot; or

(C) Excessive clearances along flame-arresting paths following retightening of fastenings, as necessary.

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 75

RIN 1219-AA75

High-Voltage Longwall Equipment Standards for Underground Coal Mines

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Proposed rule.

SUMMARY: This proposed rule addresses the Mine Safety and Health Administration's (MSHA) safety standards that are applicable to high-voltage longwall equipment. The proposal would allow the use of high-voltage electrical equipment in longwall face areas of underground coal mines and would set out electrical safety standards, in addition to those already contained in 30 CFR, for the use of this equipment. The proposed revisions would upgrade existing provisions consistent with advances in mining technology and reduce paperwork requirements where possible.

DATES: All comments and information should be submitted by October 26, 1992.

ADDRESSES: Send comments to Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, MSHA, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, MSHA (703) 235-1910.

SUPPLEMENTARY INFORMATION:

I. Paperwork Reduction Act

This proposed rule contains an information collection requirement in § 75.821(d). This paperwork requirement has been submitted to the Office of Management and Budget (OMB) for review under section 3504(d) of the Paperwork Reduction Act of 1980 (Pub. L. 96-511). Comments on the proposed paperwork provision should be sent directly to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Office for MSHA (see address at the end of this discussion). The respondents in the paperwork provision

would be mine operators. The following public burden hour estimation includes the time for examination and testing of equipment, and completing and reviewing the collection information. In this instance, the resultant information collection would be used by MSHA to assess compliance with the proposed requirement. The information collection requirement contained in the proposal is discussed below.

Section 75.821(d) would require persons who perform weekly examinations and tests to certify by signature and date that they have been conducted. A record would be required of any unsafe condition found and any corrective action taken. Certifications and records would be required to be kept for at least one year and made available at the mine for inspection by authorized representatives of the Secretary and representatives of miners at the mine.

Currently, each piece of equipment is required to be examined and tested on a weekly basis and the results are required to be recorded regardless of the findings of the examiner. Proposed § 75.821(d) would continue to require weekly examination and testing. However, records would be required only when an unsafe condition is found. MSHA estimates that the average time required to document the results of weekly examinations and tests on high voltage longwall equipment would decrease from 30 to 10 minutes. Thus, the per mine reporting burden would be reduced by 20 minutes a week for 50 weeks (about 17 hours per year), and the total reduction would be 680 hours.

Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, MSHA, Room 631, Ballston Tower #3, 4015 Wilson Boulevard, Arlington, Virginia 22203, and to the Office of Information and Regulatory Affairs of OMB, Attention: Steve Semenuk; Desk Officer for the Mine Safety and Health Administration.

II. Background

The Mine Safety and Health Administration (MSHA) is proposing to revise its existing safety standards for high-voltage longwall equipment in underground coal mines. These revisions are proposed pursuant to section 101 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 811). This proposed rule is being published in conjunction with proposed revisions to 30 CFR part 18.

On December 4, 1989 (54 FR 50062), a proposed rule was published in the *Federal Register* that contained within it the essential elements of this proposed rule. It would have allowed the use of high-voltage electricity in longwall face areas and would have eliminated the need for operators to seek petitions for modification of 30 CFR 75.1002 when they wished to use high-voltage cable to supply their longwall mining operations. Since this proposed rule specifically focuses on the safety issues related to use of high-voltage with longwall mining systems and is not incorporated within the context of an overall revision to the electrical safety standards, the Agency believes that a new proposed rule, as opposed to final promulgation of the previously proposed safety standards, is appropriate. Comments from interested parties concerning the 1989 proposal and this proposal will be considered following the comment period for this proposal.

Agency experience with responding to objections to the granting of some high-voltage longwall petitions indicates that some commenters will be of the view that safety standards addressing high-voltage longwalls should also include precautions for methane and dust control, the location of SCSRs, and limitations on the size of longwalls. At this time, MSHA anticipates that the concerns related to these issues can be addressed through the appropriate application of existing 30 CFR standards.

III. Discussion of Proposed Rule

A. General Discussion

MSHA's existing standard in 30 CFR 75.1002 requires that trolley wires and trolley feeder wires, high-voltage cables and transformers not be located inby the last open crosscut and be kept at least 150 feet from pillar workings. Currently, a petition for modification of § 75.1002 must be submitted and approved before high-voltage longwall equipment can be used.

The modern development of longwall mining systems and the widespread desire to use them in the industry has resulted in a consistent influx of petitions to modify existing § 75.1002 to allow high-voltage cables to supply power to high-voltage long-wall units. The proposal would restructure the existing standard to allow use of this technology and would also set out additional safety precautions to be followed. Safety considerations related to the use of high-voltage longwall equipment in face areas would be addressed through the incorporation of newly proposed provisions which, in the

past, have been included in petitions for modification. It is expected that the proposed rules should result in several safety improvements for underground coal mining. Most of these improvements are derived from stipulations that have been incorporated into petitions for modification.

In general, the risk of injury related to lifting and handling of cable should be reduced since allowing for the use of high-voltage cables should result in the use of smaller and lighter cables. In some cases, the use of high-voltage cables can reduce the weight and size of a cable to less than one third.

The proposal would also provide for: Improved short-circuit and ground fault protection; a means of conveniently testing the effectiveness of ground fault protection; use of manufactured cable support systems for cables extending from the power center to the headgate; use of insulated cable-handling equipment; use of rubber gloves to troubleshoot and test low and medium voltage circuits associated with high voltage circuits; use of additional protection for cables at points where cables leave support systems; use of more convenient disconnect devices for the purpose of performing work; and the use of barriers and interlock switches to help guard against contact with energized circuits. Adoption of the proposal would also result in the required regular use of cables containing metallic shielding around each power conductor (SHD).

All of the above benefits, with the exception of the requirements for gloves when troubleshooting and testing, and the use of test circuits for ground fault protection, have been made available through the petition process. These two additional proposed requirements are not derived from petitions for modification but would be incorporated into the proposed rules.

MSHA began to grant petitions for modification to § 75.1002 to allow the use of high-voltage longwalls approximately seven years ago. To date, there have been no fatal electrical accidents attributable to the use of the high-voltage longwall equipment allowed by petitions. The proposed rule would permit the mining industry to take advantage of a useful modern mining method without the need for utilizing the petition process.

The elimination of the need to file petitions for modification in order to use high-voltage longwalls will result in the elimination of many costs associated with the petition process. Legal costs are incurred by industry in order to submit the appropriate documentation to

support a petition. Agency costs are also associated with publication, processing and investigation of petitions. In addition, petitions for modification of § 75.1002 have been regularly granted when established stipulations have been agreed upon and included in the petitions. It is expected that a general safety benefit associated with elimination of the need to process and investigate petitions would include increased time made available to agency personnel that can be directed to the inspection process.

The petition for modification process is analogous to the rulemaking process but results in safety procedures that are applicable to an individual mine. Once a final written decision pertaining to a petition has been issued, the governing stipulations contained in the decision become mandatory for the installation described in the petition. Following issuance of a final decision, the Agency continues to monitor compliance with the stipulations. Petitions granted to date contain basic stipulations pertaining to the proper installation, electrical and mechanical protection, handling, and disconnecting of circuits and equipment. The proposed rules would include the basic requirements contained in petitions and MSHA would monitor compliance with these requirements. Therefore, revision of existing § 75.1002, removal of existing § 75.1002-1 and promulgation of the new proposed standards would not reduce the protection currently afforded miners.

B. Section-by-Section Discussion

Since § 75.1002 on the installation of electric equipment, conductors, and permissibility is a key section to this proposal, it is discussed first in this preamble although it appears in appropriate numerical order in the rule section of this document.

Section 75.1002 Installation of Electric Equipment and Conductors; Permissibility

This proposed standard would revise requirements for conductors used in or inby the last open crosscut and electric equipment and conductors used within 150 feet of pillar workings. This section would replace the requirements in existing §§ 75.1002 and 75.1002-1 which prohibit the use of trolley wire, trolley feeder wire, nonpermissible equipment and high-voltage cables inby the last open crosscut and within 150 feet of pillar workings or longwall faces.

Paragraph (a) would continue to require that only permissible electric equipment be located within 150 feet of pillar workings or longwall faces.

Paragraph (b) would limit the types of electric conductors and cables permitted in areas where permissible equipment is required. This section of the proposal would continue to prohibit the installation of conductors such as trolley wires and trolley feeder wires in areas where permissible equipment is required. Such electric conductors could provide a ready ignition source and therefore should not be used where permissible equipment is required. One purpose for the existing prohibition of high-voltage cables in face areas was to limit the types of equipment used in these areas. Some equipment requiring high-voltage power cables such as transformers was not permissible. Therefore, prohibiting the use of high-voltage cables had the effect of prohibiting the use of such non-permissible equipment in areas where permissible equipment is required. The proposal would continue to prohibit the use of such non-permissible equipment.

The proposal would revise the existing standard to allow cables extending to permissible high-voltage longwall equipment to be used in longwall face areas. Under the proposal, only shielded high-voltage cables supplying power to permissible longwall equipment, interconnecting conductors and cables of permissible longwall equipment, conductors and cables of intrinsically safe circuits, and cables and conductors supplying power to low- and medium-voltage permissible equipment would be allowed in or inby the last open crosscut and within 150 feet of pillar workings or longwall faces.

All the above conductors and cables, with the exception of shielded high-voltage cables supplying power to permissible longwall equipment, are currently allowed to be used under existing standards. The use of shielded high-voltage cables supplying power to permissible longwall equipment would not pose increased risks of fire or explosion in face areas since these cables have equivalent or superior mechanical and electrical protective characteristics as cables currently being used in conjunction with medium voltage. In addition, shielded high-voltage cables supplying power to permissible longwall equipment are currently being used through the petition process and offer other improved safety features such as improved short-circuit and ground-fault protection and reduction in size due to less current (amperes) demand from equipment.

The modern development of longwall mining systems and the widespread desire to use them in the industry have resulted in an influx of petitions to

modify existing § 75.1002 to allow high-voltage cables to supply power to high-voltage longwall equipment. Under the proposal the use of such modern technological advances would be permitted.

Section 75.2 Definitions

The definitions in this proposed section consist of terms used in the proposed rules and would represent important information for the interpretation of the electrical safety standards. Upon review of these definitions, the Agency has decided to propose that they also be used to describe the terms wherever they appear in existing part 75. Such an approach should offer clarity and consistency in the use of these terms where they appear in the electrical safety standards. MSHA is interested in comment on this proposed approach.

The definitions of the electrical terms used are derived from sources commonly accepted by the mining industry and electrical and electronics engineers; including the Institute of Electronic and Electrical Engineers (IEEE) Standard Dictionary of Electrical and Electronics Terms, and the National Electrical Code (NEC). Definitions found in part 18 of MSHA's regulations were also used as a source for this proposal. In some instances, definitions taken from these sources were modified to apply to electric circuits and equipment used in the coal mining industry.

The term "adequate interrupting capacity" is defined by the proposal as the ability of an electrical protective device to safely interrupt all values of current which can occur at its location in excess of its trip setting or melting point. Under this definition, adequate interrupting capacity would be determined by comparing the interrupting rating of the device with the actual characteristics of the circuit to be protected. These characteristics would include the circuit's voltage, impedance, and power factor or time constant. For example, proposed § 75.814(a) would require longwall high-voltage circuits to be protected by circuit interrupting devices of adequate interrupting capacity.

"Approval documentation" is defined by the proposal to mean formal documents issued by the Mine Safety and Health Administration which document the complete assembly of electrical machinery or accessories which have met the applicable design and use requirements of 30 CFR. This wording is used in proposed paragraph (a) of § 75.814 and is intended to establish through the approval process parameters for the current (amperes)

and time delay settings of circuit protective devices.

"Circuit interrupting device" is defined to mean a device designed to open and close a circuit by non-automatic means and to open the circuit automatically at a predetermined overcurrent value without damage to the device when operated within its rating. This definition would clarify that circuit interrupting devices be equipped to be closed manually rather than automatically in order to guard against safety hazards related to the automatic energization of equipment. Conversely, the device should be equipped to open the circuit automatically upon the occurrence of an electrical fault. The rating of the device should be such that it would not experience damage during the automatic deenergization of the circuit.

The definitions for "low voltage", "medium voltage", and "high voltage" are unchanged from the existing rule.

"Motor starter enclosure" is defined to mean an enclosure containing motor starting circuits and equipment. This term is used in several standards in the proposal and would describe equipment commonly used to house longwall motor starting equipment.

The term "nominal voltage" is defined by the proposal to mean the phase-to-phase or line-to-line root-mean-square value assigned to a circuit or system to conveniently designate its voltage class, such as 480 or 4,160 volts. The definition would clarify that the actual operating voltage of a system or circuit may vary from its nominal voltage within a range that permits satisfactory operation of equipment.

"Ground fault or grounded phase" is defined to mean an unintentional connection between an electric circuit and the grounding system. The proposal defines "short circuit" to mean an abnormal connection of relatively low impedance, whether made accidentally or intentionally, between two points of different potential. These terms are used in the proposal and existing standards and would offer clarity so as to assist in the proper application of electrical protective equipment.

Section 75.813 High-Voltage Longwalls; Scope

Section 75.813 is a scope section that identifies §§ 75.814 through 75.821 as electrical safety standards that are applicable only to the use of high-voltage longwall circuits and equipment. This section also clarifies that all other existing standards in 30 CFR that are applicable to the use of high-voltage longwall circuits and equipment would

continue to apply. For example, safety standards, such as grounding and ground monitor requirements contained in subparts H and I of part 75 that are currently applicable to high-voltage installations would also be applicable to high-voltage longwall equipment.

Section 75.814 Electrical Protection

This proposed standard is derived in part from existing §§ 75.518-1, 75.800, and 75.800-2 and would address methods of providing electrical protection for longwall equipment supplied by high-voltage systems. The effects of ground faults, electrical arcing, heating of conductors, and short circuits, can have adverse consequences to the safety of miners. Effective electrical protection for longwall equipment would reduce the potential for ignitions, fires, and miner exposure to energized equipment frames.

This section would specify the requirements for short-circuit, overload, ground fault, and undervoltage protection for the high-voltage trailing cables extending from the section power center, the shearer motor cable, and the remaining motor cables. Short-circuit and overload protection would prevent cables and motors from overheating. Ground-fault protection would minimize the risk of shock injuries to miners. Undervoltage protective devices would prevent automatic restarting of equipment following a loss of power.

Paragraph (a) of the proposed standard would require a circuit interrupting device for high-voltage circuits serving longwall equipment to be properly applied to safely interrupt current to which it may be exposed. The adequacy of the circuit interrupting device would assure that it will remain undamaged by overcurrents and thus be able to clear faults in the system.

Paragraph (a)(1) specifies a current setting for short-circuit protective devices. The devices, whether located in the section power center or the longwall motor starter enclosure, would be required to be set at the lower value of either, the setting specified in the approval documentation pertaining to the longwall system, or 75 percent of the minimum available phase-to-phase short-circuit current. The short-circuit current setting specified during the approval process would be based on the calculation of fault currents at various key locations in the system. A study of fault current levels in the 33 existing high-voltage longwall systems indicates that phase-to-phase short-circuit currents range between 4,000 and 6,000 amperes at the various motor locations. Therefore, a current setting of 75 percent of the minimum phase-to-phase short-

circuit current would establish a maximum limit for the setting of short-circuit current devices.

As equipment is used and moved from one location to another in a mine, changes take place in both the characteristics of the equipment and electrical system which may indicate a need for either increased or decreased settings for short-circuit protective devices. By establishing a minimum and maximum limit on the required settings of the devices, a range would be provided which could be used to accommodate these changes. The Agency Field Modification Program would be utilized to provide a formal investigative and approval process involving necessary changes of short-circuit device settings. Investigation, documentation, and subsequent approval authority pertaining to these changes would involve work on the part of both agency inspection and technical support personnel.

Paragraph (a)(2) would specify time delay settings for short-circuit protective devices. The short-circuit protective device located in the section power center would be required to have the time delay setting specified in approval documentation or 0.25-second, whichever is less. The purpose of permitting a time delay would be to help eliminate nuisance tripping during motor starting. When high-voltage longwall equipment was introduced to the mining industry, problems were experienced with proper starting of the equipment due to nuisance tripping caused by motor starting currents. In order to solve this problem, it became necessary to incorporate time delays into the short-circuit protective devices. Currently, electronic relays that have a time delay to override motor inrush currents are commonly used to provide short-circuit protection for high-voltage longwall circuits. As an alternative, inverse time or discriminating devices probably could be used to accomplish the same objective. To date, it has not been necessary for time delays of short-circuit devices to exceed 0.25-second; however, as longwall systems continue to evolve and higher efficiency motors are used, it is anticipated that time delays greater than 0.25-second may be necessary in order to allow motor starting nuisance tripping.

This requirement would also establish a range between minimum and maximum allowable time delay settings. The Agency Field Modification Program would also be used to provide a formal investigative and approval process involving agency inspection and technical support personnel for

necessary changes in time delay settings.

It is emphasized that the previous discussion pertaining to paragraphs (a) (1) and (2) specifically apply to current and time delay settings of short-circuit devices protecting cables between the section power center and motor starter enclosures. Because of the higher levels of short-circuit current available in high-voltage longwall circuits, it may be appropriate to increase the current settings of short-circuit protective devices for these circuits with a subsequent elimination of time delay without a loss of safety. Although the proposal would incorporate time delays along with the settings currently provided for in 30 CFR, the agency is also considering the elimination of time delays and allowing higher short-circuit settings based on system capacity. The Agency believes that these issues need to be given consideration, and specifically solicits comments regarding these matters.

The proposal would, however, require that devices providing short-circuit protection for circuits extending from the motor starter enclosure to the individual motors and shearer motors contain no intentional time delays. For these circuits, protective device settings would be based on available short-circuit currents determined during the approval process.

Paragraph (a)(3) would require ground-fault currents to be limited by a neutral grounding resistor to not more than 6.5 amperes when the nominal voltage of the power circuit is 2,400 volts or less, and 3.75 amperes when the power circuit voltage is greater than 2,400 volts. Grounding resistors are employed in resistance-grounded systems to limit the level of ground-fault current in a circuit. The levels specified in the proposed standard would reduce shock hazards and prevent the grounding resistor from overheating and becoming an ignition source.

Paragraph (a)(4)(i) would require high-voltage circuits extending from the section power center to have ground-fault protection set at no more than 40 percent of the current rating of the neutral grounding resistor. These protective devices would assure that faults occurring in a circuit extending from the section power source will not energize the frames of the equipment it supplies. The proposed standard would use the current ratings for grounding resistors, specified in paragraph (a)(3), as a basis for setting ground fault devices. For example, if a 6.5 ampere grounding resistor is used, the ground-fault device would have to operate to

deenergize the circuit at 2.6 amperes or less. A 40 percent trip level would provide adequate protection which would assure that faults in circuits extending from the power center would not expose miners to the potential hazards of fire or electrocution.

Paragraph (a)(4)(ii) would require backup ground-fault protection to detect an open grounding resistor. The ground-fault protective device can be a combination of a potential transformer and voltage relay, or another device(s) that detects an open neutral resistor. Once an open neutral resistor is detected, it must cause the circuits extending from the power center to be deenergized.

Paragraph (a)(4)(iii) would require that the high-voltage neutral grounding resistor be provided with overtemperature protection that will open the ground-check circuit for the high-voltage circuit supplying the section power center if the grounding resistor is subjected to a sustained ground-fault current. The overtemperature rating or setting of the device would have to be 50 percent of the maximum temperature rise of the grounding resistor or 150° Celsius (302° Fahrenheit), whichever is less. Grounding resistors generate heat when subjected to sustained ground-faults. An overtemperature device would cause interruption of the high-voltage circuit supplying the section power center by opening the ground-wire monitor circuit before extreme heat causes the grounding resistor to fail in the open mode. Failure of the resistor could leave the circuit unprotected against ground-faults and would increase the possibility of fire and shock hazards. The 50 percent or 150° Celsius overtemperature setting would assure that the affected circuit is quickly deenergized under a sustained fault, but the setting would be high enough to prevent operational problems. It would not cause deenergization of the circuit when exposed to non-hazardous amounts of heat generated by equipment during normal use in the system.

Paragraph (a)(5) would require high-voltage motor and shearer circuits to be provided with instantaneous ground-fault protection set at not more than 0.125 amperes. This would provide for a highly sensitive and responsive ground-fault detection system for high-voltage circuits supplying electric face equipment. The protective devices would have to operate instantaneously when exposed to 0.125 amperes, or less under the standard. Therefore, compliance with the standard would greatly reduce the likelihood of fires and

shock hazards which result from energizing the frames of longwall equipment.

Paragraph (a)(6) would require that time delay settings of ground-fault protective devices used to provide coordination with the instantaneous ground-fault protection of motor and shearer circuits not exceed 0.25-second. This provision would limit the time lapses between actuation of the section power center ground-fault protective device and those located in the motor starter enclosure. This time delay would allow coordination and selective tripping of circuit protective devices as well as assure that the entire circuit would deenergize in a rapid manner to prevent exposure to shock hazards.

Paragraph (a)(7) would require that undervoltage protection be provided by a device that operates on loss of voltage to cause and maintain the interruption of power to a circuit to prevent automatic restarting of the equipment. The proposed standard would reduce miners' exposure to the risk of being pinned or crushed by the sudden movement of equipment.

Paragraph (b) would require that a single window-type current transformer be used to encircle the three-phase conductors for ground-fault protection specified in paragraph (a)(4)(i) for circuits extending from the section power center to the motor starter enclosures and paragraph (a)(5) for high-voltage motors extending from the motor starter enclosures or for the shearer motor extending from the section power center or motor enclosures. The equipment safety grounding conductors would be prohibited from being passed through or connected in series with ground-fault current transformers. Such a configuration could defeat ground-fault protection and result in hazardous voltages existing on equipment frames.

Paragraph (c) would require a ground-fault test circuit for each ground-fault current device to inject a current of 50 percent or less of the current rating of the grounding resistor to verify that a ground-fault condition will cause the corresponding circuit interrupting device to open. This testing procedure would help determine whether ground-fault current devices are functioning properly. It would also test the sensitivity of the device to ground-fault currents.

Paragraph (d) would prohibit the use of circuit interrupting devices that automatically reclose after operation. Automatic reclosure of the circuit interrupting device would allow immediate reenergization of a circuit which has sustained a fault. Faults occur in underground electrical systems as a

result of damage from roof falls or equipment. Under such circumstances, the use of automatic reclosing circuit breakers could create shock and fire hazards in that the devices could reclose automatically when a short-circuit, or ground-fault condition exists in the circuit.

Section 75.815 Disconnect Devices

This section addresses the requirements for disconnecting devices used to deenergize the circuits and components of high-voltage longwall equipment.

Paragraph (a) would require a disconnecting device in addition to the circuit breaker in the power center that supplies power to longwall equipment. The purpose of this device would be to provide evidence that the circuit is deenergized. The proposed language would permit the use of either a disconnecting switch or cable coupler. Requiring the disconnect in the power center would facilitate the deenergization process prior to performance of electrical work. Figures I-1 and I-2 in Appendix A would illustrate compliance with the requirement.

Paragraph (b) would set maintenance requirements for disconnecting devices in motor-starter enclosures. This requirement would be implemented through a cross reference to proposed 30 CFR § 18.53(f). This proposed new part 18 provision is being published in conjunction with this proposed rule for part 75. This provision should guard against the occurrence of electrical accidents that could result from failure of a high-voltage disconnecting device to operate properly. The proposal would assure that a properly maintained safe means of deenergizing longwall circuits and equipment is readily available for use during routine operation or in the event of an emergency. Additionally, compliance with the proposed rule would allow for convenient safe deenergization of high-voltage circuits in the motor-starter enclosure, or equipment supplied power through the enclosure during testing and troubleshooting work.

Paragraph (b) would also require a caution label on the cover of each starter enclosure compartment containing the main disconnecting device. This caution label would be required to warn miners against entering the compartment before deenergizing the incoming high-voltage circuits to the compartment. This provision would help to warn miners that the line side of the disconnect device may be energized when the device is opened. It would also

help to assure that miners deenergize power to starter enclosures before removing any of the covers.

Paragraph (c) would require disconnecting devices to have voltage and current ratings compatible with the circuits in which they are used. This requirement would ensure safe operation of these devices during normal use.

Paragraph (d)(1) would require that disconnecting devices be designed to provide visual evidence that all ungrounded power conductors are disconnected when the device is open. Visual evidence would mean the ability to observe the physical opening of the controls and the separation of the power conductors without removing any covers.

Paragraph (d)(2) would require that disconnecting devices be equipped with means to ground all power conductors when the device is "open". This requirement would allow discharging of any existing capacitance between the power conductors and ground and would assure that the circuit is grounded prior to the performance of work.

Paragraph (d)(3) would require each device to be equipped with a means for locking the device in the open position. This would help to ensure that the circuit being worked on remains deenergized until work is completed.

Paragraph (e) would require that disconnecting devices, except those installed in explosion-proof enclosures, be capable of interrupting load currents without creating hazardous conditions. If the device is not designed for load interruption, the proposal would require the device to be installed so that a circuit breaker would deenergize the incoming power circuit before the disconnecting device opens. Use of devices improperly rated could result in the destruction of the device and danger of injuries due to flash burns or flying parts.

Paragraph (e) would further require that disconnecting devices installed in explosion-proof enclosures be maintained in accordance with the approval requirements of § 18.53(f)(2)(iv) of proposed part 18 which is being simultaneously published with this proposal. This provision would specify that such disconnecting devices be designed and installed to cause the current to be interrupted automatically prior to the opening of the contacts of the device.

Section 75.816 Guarding of Cables

This proposed standard is partially derived from existing § 75.807. It would set guarding requirements for high-voltage cables supplying longwall

equipment. Paragraph (a)(1) would require the cables to be guarded where persons regularly work or travel over or under the cables. This would prevent miners from coming in contact with cables.

Paragraph (a)(2) would require guarding where the cables leave cable handling or support systems to extend to electric components. The effect of this provision would be to reduce flexing and stress on cables and to prevent physical damage which might pose shock and fire hazards.

Paragraph (b) would set requirements for guarding to prevent miner contact and to protect high-voltage cables from physical damage. Guarding would be required to be constructed of grounded metal or nonconductive flame-resistant material. This standard would assure that the physical and electrical protective characteristics of guarding are adequate to perform its function.

Section 75.817 Cable Support Systems

This section of the proposal is derived from existing requirements in § 75.807. It would address the handling and support systems of high-voltage cables serving longwall equipment. The standard would require longwall mining systems to be equipped with cable handling systems and support systems that are constructed, installed, and maintained to protect high-voltage cables from damage and to minimize the possibility of miners inadvertently contacting the cables. High-voltage cables used to supply longwall equipment could present shock and fire hazards if they are damaged or defective. The handling and support systems that would be required by the proposal would assist in providing the necessary protection to cables to assure minimum exposure to physical damage or stress.

Section 75.818 Use of Insulated Cable Handling Equipment

Paragraph (a) would prohibit handling of energized high-voltage cables, except in rare cases when cables need to be trained. For example, a cable may need to be trained when it inadvertently comes out of the cable trough. Under such circumstances, the proposal would require the use of protective handling equipment to reinstall the cable. In addition, that proposal would require the insulated personal protective equipment used be capable of protecting miners against shock hazard when such energized high-voltage cables are trained.

Paragraph (b) would require personal protective equipment to have insulation rated for at least 20,000 volts which would provide proper protection for the

high voltage involved. The required protective equipment would have to be examined before each use for visible signs of damage or defects and removed from the underground area of the mine when found to be damaged or defective. Compliance with this standard would place responsibility on the user of protective equipment to inspect it for hazardous conditions. For example, a simple test commonly used to detect damage in insulating gloves is to fill them with air and observe if there is any leakage. This provision would help ensure that persons do not rely on equipment that may be ineffective for protection against shock while handling cables.

The proposal would also require that insulated handling equipment for use with high-voltage cables be electrically tested every six months. This more formal testing procedure for cable handling equipment would ensure that defective equipment will not go undetected.

Section 75.819 Motor-Starter Enclosures; Barriers and Interlocks

This proposed standard would set maintenance requirements for compartment separation and interlock switches for motor starter enclosures. This requirement would be implemented through a cross reference to proposed 30 CFR 18.53 paragraphs (a) and (b). This proposed new part 18 provision is being published in conjunction with this proposed rule for part 75. This provision should help guard against miners coming in contact with energized internal components of high-voltage electric equipment through proper maintenance of safety devices. Maintenance of compartment separation would assure that in gaining access to control and communication, and motor contactor compartments, persons would not be exposed to energized components of adjacent compartments.

The standard would also require maintenance of motor-starter enclosure cover interlock switches to assure deenergization when any cover that provides access to energized high-voltage is removed. Implementation of this provision would provide automatic protection for miners who may inadvertently remove a cover exposing energized high-voltage circuits.

Section 75.820 Electrical Work; Troubleshooting and Testing

This section is derived from existing §§ 75.509, 75.511 and 75.705. It would set forth requirements for performing work on all circuits and equipment associated with high-voltage longwalls. The scope

of this section would include all low-medium- and high-voltage circuits and equipment associated with high-voltage longwalls. The requirements would be similar to the general requirements in existing §§ 75.509 and 75.511 for work on electric circuits and equipment, with additional standards specifically applicable to work with circuits and equipment associated with high-voltage longwall installations.

Paragraph (a) would require that work on all circuits and equipment associated with the longwall be performed by persons having high-voltage qualification. This is due to the fact that a high-voltage longwall contains many low- and medium-voltage circuits, in addition to high-voltage circuits. In many cases, enclosures contain circuits having a variety of voltages that are intermingled. The agency presently requires that for a person to have high-voltage qualification, they must also have low- and medium-voltage qualification. This provision would assure that all persons who work on low- and medium-voltage circuits are qualified to identify any hazards that may exist on associated high-voltage circuits. Such persons would also be qualified to perform work on high-voltage circuits.

Paragraph (b) would require safety precautions to be taken by a qualified electrician prior to performing electrical work. The qualified electrician would be responsible for assuring proper deenergization, that the contacts of the circuit disconnecting device are open, and that the disconnecting device is locked out with a padlock, and tagged. These precautions would assure that the affected circuit has been properly deenergized and disconnected so that persons performing work would not be exposed to shock, electrocution, or burn hazards. Without taking precautions, such as properly locking out and tagging the affected circuit, qualified electricians would be exposed to the risk of electrocution resulting from someone inadvertently reenergizing the circuit being worked on.

Paragraph (b)(3) would further require that in the case of work on high-voltage circuits, the conductors be grounded until work is completed. This is necessary to guard against the effects of accidental reenergization of the circuit prior to the completion of work.

Paragraph (b)(c) would require that disconnecting devices be locked with an individual padlock for each person performing work. Individual padlocks, removable only by the persons who installed them, would place responsibility on the persons performing work to assure their personal safety.

This would help prevent accidental reenergization of equipment or circuits before all persons have completed work. The danger and accident history of reenergization of circuits before work has been completed make such measures necessary for the protection of miners against electrocution or electric shock. For similar reasons, paragraph (b)(4) would require tags used on deenergized circuits and equipment to identify each person performing work and the circuit or equipment being worked on.

Paragraph (c) would require that only the persons who installed a padlock and tag be permitted to remove them. This proposed provision would provide for an exception under which an operator could authorize someone else to remove the lock and tag provided that the person who installed them is unavailable at the mine. Such authorized person would be required to be qualified to perform high-voltage work. Additionally, the person who had originally installed the lock and tag would be required to be informed of their removal prior to recommencing work on the affected circuit or equipment.

Paragraph (d) would address safety procedures to be used when troubleshooting and testing energized circuits. This proposal would recognize that in some instances it is necessary for circuits or equipment to remain energized for troubleshooting and testing. For example, in order to understand the nature of problems within a circuit, it may be necessary to take voltage or current readings while the circuit is energized.

The proposal would limit troubleshooting and testing only to low- and medium-voltage energized circuits. In addition, only high-voltage qualified electricians wearing properly rated rubber gloves would be permitted to perform this work and only for the purpose of determining voltages and currents. Since troubleshooting and testing energized circuits is known to be inherently hazardous work, the skills and training of a qualified electrician would be necessary for performance of these tasks. Troubleshooting and testing would be limited to low- and medium-voltage energized circuits, primarily due to insulation ratings of available troubleshooting and testing equipment. Insulation ratings on equipment commonly used to troubleshoot and test are insufficient to protect persons if such equipment were used to troubleshoot and test high-voltage circuits.

The proposal would also require qualified electricians to wear rubber insulating gloves while troubleshooting

and testing. This provision should help to prevent accidents related to contact with energized circuits while troubleshooting and testing without the benefit of gloves. Rubber gloves would provide the insulation protection necessary in the event of inadvertent contact with energized circuits by a miner during troubleshooting and testing.

Paragraph (e) would require high-voltage circuits contained in the same compartment as the low-voltage circuit being tested to be deenergized, grounded, locked out, and tagged before troubleshooting or testing the circuit. This method of preventing contact with the uninvolved circuit would minimize an electrician's exposure to electric shock, electrocution, and burns from arcing.

Paragraph (f) would require that high-voltage cables located in conveyor belt entries be deenergized prior to the removal of the conveyor belt structure. Movement of energized cables while removing entry conveyor belt structures could lead to the occurrence of faults in the circuit, which would pose risks of fire and electrocution to miners. The standard would address these dangers by requiring deenergization of the cables prior to movement of belt structures.

§ 75.821 Testing, Examination, and Maintenance

This standard is derived in part from existing §§ 75.512, 75.512-2, 75.800-3, 75.800-4. It would be used in conjunction with proposed § 75.1002 which would allow the use of high-voltage cables in face areas to supply high-voltage longwall equipment. Proper testing, examination, and maintenance of high-voltage longwall systems would assure that they would not pose increased hazards to miners.

Paragraph (a) would require an electrician qualified for high-voltage work in accordance with existing § 75.153 to test and examine high-voltage longwall equipment and circuits to determine that the electrical protection, equipment grounding, permissibility, cable insulation, and control devices are properly maintained to prevent fire, electric shock, ignition or operational hazards from existing on the equipment. Keeping equipment free from these hazards would be assured by the training and expertise of high-voltage qualified electricians. Testing and examination of high-voltage equipment used in face areas on a regular basis would assure that hazardous conditions are discovered and addressed before they can cause injuries to miners.

The proposal would require examinations and tests of high-voltage longwall equipment at least once every seven days. Examinations and tests would include actuation of the ground-fault test circuit which would be required by proposed § 75.814(c). The standard would assure that problems which arise during normal use of mining equipment would be identified and corrected, so that miners would not be exposed to hazards. Actuation of the ground-fault test circuit would help identify any damage or defects in the ground-fault circuit and therefore protect miners from being exposed to energized frames of longwall equipment.

Paragraph (b) would require that each ground-wire monitor and corresponding circuit be examined and tested at least once each 30 days to verify that it is operating properly and will cause the corresponding circuit interrupting device to open. This procedure would assure that ground monitors and corresponding circuitry interrupting devices will operate properly to deenergize the circuits that they monitor and protect. Testing every 30 days would be, in MSHA's view, an appropriate interval for evaluating the effectiveness of these devices.

Under paragraph (c), the equipment would be required to be removed from service or repaired when examinations or tests reveal a fire, electric shock, ignition, or operational hazard. This provision would assure that equipment which poses any danger to miners would not be used before the hazardous condition is corrected.

Paragraph (d) would require the person who performs examinations and tests to certify by signature and date that they have been conducted. A record would be required of any unsafe condition found and any corrective action taken. In addition, certifications and records would be required to be kept for at least one year and made available at the mine for inspection by authorized representatives of the Secretary and representatives of miners at the mine. Records and certifications of testing and repairs would be valuable tools for mine operators and could be used to point out patterns of equipment defects and facilitate improvements in equipment maintenance and design. These records and certifications would also assist in identifying that the required examinations have been conducted, and in the investigation of mine accidents.

Petitions for Modifications

MSHA anticipates that when a final rule is developed and becomes effective, all existing petitions for modification of

30 CFR 75.1002 would be superseded in total. Operators would then be required to comply with the new provisions in the final rules.

Derivation Table

The following derivation table lists: (1) Each section number of the proposed rule and (2) the number of the existing standard from which the proposal is derived.

DERIVATION TABLE

| Proposal | Existing standard |
|---------------------------|---|
| 75.2(j)(1) to (4)..... | New. |
| 75.2(j)(5)..... | 75.2(j). |
| 75.2(j)(6) to (8)..... | New. |
| 75.813..... | New. |
| 75.814(a)(1)..... | 75.518-1 & 75.600. |
| 75.814(a)(2)..... | New. |
| 75.814(a)(3)..... | 75.802. |
| 75.814(a)(4)..... | 75.800. |
| 75.814(a)(5) & (6)..... | New. |
| 75.814(a)(7)..... | 75.800. |
| 75.814(b), (c) & (d)..... | New. |
| 75.815(a) & (b)..... | 75.808. |
| 75.815(c)..... | 75.520. |
| 75.815(d)(1)..... | 75.601 & 75.808. |
| 75.815(d)(2)..... | 75.705. |
| 75.815(d)(3)..... | 75.511. |
| 75.815(e)..... | 75.520. |
| 75.816 & 75.817..... | 75.807. |
| 75.818(a)..... | 75.705-6. |
| 75.818(b)..... | 75.705-7 & 75.705-8. |
| 75.819..... | New. |
| 75.820..... | 75.509, 75.511 & 75.705. |
| 75.821..... | 75.512, 75.512-1, 75.800-3 & 75.800-4. |
| 75.1002..... | 75.1002, 75.1002-1. |

Distribution Table

The following distribution table lists: (1) Each standard number of the existing standards; and (2) the section number of the proposed rule which contains provisions derived from the corresponding existing section.

DISTRIBUTION TABLE

| Existing standard | Proposal |
|--------------------------|-------------|
| 75.2(j)..... | 75.2(j)(5). |
| 75.1002 & 75.1002-1..... | 75.1002. |

IV. Executive Order 12291 and Regulatory Flexibility Act

Executive Order 12291 requires that a Regulatory Impact Analysis (RIA) be performed for any rule that would have a \$100 million or more annual effect on the economy or a major increase in costs or prices for consumers or individual industries. MSHA has performed a preliminary RIA (PRIA) that estimates the cost impact of requirements in proposed parts 75 and 18. The Agency has determined that the proposed part 75 would not be a major

action. The PRIA is available from MSHA upon request and is summarized as follows.

A. Population-at-Risk

The proposed rule would affect the existing 33 operating longwalls in 29 large underground coal mines (approximately 1.5 percent of all underground coal mines). These 29 mines employ 11,113 miners (about 14.5 percent of all underground coal miners) and employment at these 29 mines ranges from a minimum of 116 miners to a maximum of 710 miners, with the average number being 383 miners. No small mines would be affected by this proposal.

In addition, MSHA anticipates that more mines in the future will utilize high-voltage longwalls because there are mining conditions in which their use would substantially increase productivity. Based on about a 3 year period from 1989 through November 1991, MSHA estimates that 7 petitions for modification to use high-voltage cables in longwall operations would be filed annually. MSHA requests comments on whether the introduction of 7 new longwalls annually is a reasonable assumption for the near future.

B. Benefits

The use of high-voltage in longwall mining operations reduces the number of power cables running between various pieces of longwall equipment. Also, high voltage power cables are smaller and weigh less than do low or medium-voltage power cables. As a result of fewer and lighter power cables, the number of injuries that result from the handling of power cables may be reduced.

The possibility of explosion exists when there is an electrical arc in power cables. Reduction in power cable size, resulting from the use of high-voltage, would make power cables more flexible and less likely to be damaged by the repeated bending which can lead to potential arcing faults.

In addition, high-voltage cables are required to be shielded around each conductor (SHD type) as opposed to shielding around the cable (SHC). The SHD cable is safer because its ground-fault system is substantially more reliable than that of SHC cable.

Proposed § 75.820(c)(3) would require that qualified electricians wear properly rated rubber gloves in order to perform troubleshooting and testing on low and medium-voltage circuits associated with high-voltage longwalls. This provision

would reduce the risk of miners' exposures to electrical hazards.

Proposed § 75.818(b)(4) would require that insulated personal protective equipment be electrically tested every six months in order to determine any damage or defects. Equipment would be removed from the mine area if found to be damaged or defective. Proposed § 75.818(b)(4) would ensure that such protective equipment can be relied upon to protect miners from electrical shocks while handling cables.

Finally, the proposed rule would incorporate safety requirements that have been developed as a result of petitions for modifications to use high-voltage longwalls. No miner fatalities or injuries have resulted while the use of these requirements have been applied to high-voltage longwall operations. Thus, the proposed rule is expected to improve miner safety.

Increased productivity gains can be realized when using high-voltage rather than medium voltage. High-voltage longwall equipment is more reliable and efficient than is low- and medium-voltage longwall equipment because there is less power consumption by the cable resistance, less failure of motors due to overheating, and easier motor start-up. This increased reliability would reduce the amount of longwall equipment downtime and, thus, enhance coal productivity.

C. Compliance Costs

The baseline used to estimate the costs of compliance is the present requirements contained in petitions for modification granted by MSHA governing the use of high-voltage cables in longwall operations. This baseline is compare to the requirements under the proposed rule to ascertain expected compliance cost increases. On that basis, MSHA determined that there would be no initial compliance cost as a result of this rule. The proposed requirements would result in net annual cost savings of \$11,060,300.

With respect to the additional 7 mines each year that would use high-voltage in the future, direct legal and administrative cost savings of \$250,000 would be realized from the fact that petitions for modification would no longer need to be filed. In addition, the proposed rule would eliminate the existing delay in installing and operating high-voltage until MSHA has reviewed and approved petitions for modification. Thus, mines would more quickly obtain higher productivity yields from high-voltage under the proposed rule than under the current procedures. MSHA estimates that production related to delaying installation of high-voltage

while awaiting petition approval would have a net value of about \$10.8 million for the 7 mines or \$1.5 million per mine.

With respect to individual proposed provisions, cost savings of \$16,500 results from proposed § 75.821(d), which would reduce the recordkeeping requirements concerning the documentation of examinations and tests of longwall equipment. Annual cost increases would result from §§ 75.818(b)(4) and 75.820(c)(3). Proposed § 75.818(b)(4), which relates to twice a year electrical testing of high-voltage gloves, would cost about \$650 annually. Proposed § 75.820(c)(3), which pertains to the cost of purchasing low-voltage rubber gloves that would be needed to perform the troubleshooting and testing required by the proposal, would cost about \$5,550 annually.

D. Economic Impact

The proposed rule would enhance productivity in those affected mines because it would allow more efficient high-voltage longwall equipment to be established more rapidly in the relatively few underground coal mines in which it can be profitably employed. Consequently, MSHA has concluded that the proposed rule would have only a small effect on coal output price or profitability.

E. Regulatory Flexibility Certification

Under the Regulatory Flexibility Act of 1980, MSHA analyzed the impact of the proposed rule upon small mining operations. The Assistant Secretary has preliminarily determined that although this proposed rule would increase the productivity of a few large mines, it would not have significant adverse economic impact upon a substantial number of small mining operations.

List of Subjects in 30 CFR Part 75

High-voltage longwall, Mandatory safety standards, Mine safety and health, Underground coal mines.

Dated: August 20, 1992.

William J. Tattersall,

Assistant Secretary for Mine Safety and Health.

Accordingly, part 75, subchapter O, chapter I, title 30 of the Code of Federal Regulations is proposed to be amended under 30 U.S.C. 811 as follows:

PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

1. The authority citation for part 75 continues to read as follows:

Authority: 30 U.S.C. 811, 957, and 961.

2. Section 75.2 is revised by adding the following definitions:

§ 75.2 Definitions.

Adequate interrupting capacity. The ability of an electrical protective device to safely interrupt all values of current which can occur at its location in excess of its trip setting or melting point.

Approval documentation. Formal document issued by the Mine Safety and Health Administration which documents the complete assembly of electrical machinery or accessory which has met the applicable design and use requirements of 30 CFR.

Circuit interrupting device. A device designed to open and close a circuit by nonautomatic means and to open the circuit automatically at a predetermined overcurrent value without damage to the device when operated within its rating.

Ground fault or grounded phase. An unintentional connection between an electric circuit and the grounding system.

Low Voltage. Up to and including 660 volts; medium voltage means voltages from 661 to 1,000 volts; and high voltage means more than 1,000 volts.

Motor starter enclosure. An enclosure containing motor starting circuits and equipment.

Nominal voltage. The phase-to-phase or line-to-line root-mean-square value assigned to a circuit or system for designation of its voltage class, such as 480 or 4,160 volts. Actual voltage at which the circuit or system operates may vary from the nominal voltage within a range that permits satisfactory operation of equipment.

Short circuit. An abnormal connection of relatively low impedance, whether made accidentally or intentionally, between two points of different potential.

3. Part 75 is amended by adding §§ 75.813 through 75.821 under the undesignated center heading *High-Voltage Longwalls* to read as follows:

High-Voltage Longwalls

- 75.813 High-voltage longwalls; scope.
- 75.814 Electrical protection.
- 75.815 Disconnect devices.
- 75.816 Guarding of cables.
- 75.817 Cable handling and support systems.
- 75.818 Use of insulated cable handling equipment.
- 75.819 Motor starter enclosures; barriers and interlocks.

75.820 Electrical work; troubleshooting and testing.

75.821 Testing, examination and maintenance.

High-Voltage Longwalls

§ 75.813 High-voltage Longwalls; scope.

Sections 75.814 through 75.821 of this part are electrical safety standards that apply to high-voltage longwall circuits and equipment. All other appropriate standards in Chapter I of Title 30 of the Code of Federal Regulations also apply to this equipment.

§ 75.814 Electrical protection.

(a) High-voltage circuits shall be protected against short circuits, overloads, ground faults, and undervoltages by circuit interrupting devices of adequate interrupting capacity as follows:

(1) Current settings of short-circuit protective devices shall not exceed the setting specified in approval documentation, or seventy-five percent of the minimum available phase-to-phase short-circuit current, whichever is less.

(2) Time-delay settings of short-circuit protective devices used to protect any cable extending from the section power center to a motor-starter enclosure shall not exceed the settings specified in approval documentation, or 0.25-second, whichever is less. Short-circuit protective devices used to protect motor and shearer circuits shall contain no intentional time delay.

(3) Ground-fault currents shall be limited by a neutral grounding resistor to not more than—

(i) 6.5 amperes when the nominal voltage of the power circuit is 2,400 volts or less; or

(ii) 3.75 amperes when the nominal voltage of the power circuit exceeds 2,400 volts.

(4) High-voltage circuits extending from the section power center shall be provided with—

(i) Ground-fault protection set to cause deenergization at not more than 40 percent of the current rating of the neutral grounding resistor;

(ii) A backup ground-fault detection device to cause deenergization when a ground fault occurs with the neutral grounding resistor open; and

(iii) Overtemperature protection that will open the ground wire monitor circuit for the high-voltage circuit supplying the section power center if the grounding resistor is subjected to a sustained ground fault. The overtemperature protection shall operate at either 50 percent of the maximum temperature rise of the

grounding resistor, or 150°C (302° F), whichever is less.

(5) High-voltage motor and shearer circuits shall be provided with instantaneous ground-fault protection set at not more than 0.125 ampere.

(6) Time-delay settings of ground-fault protective devices used to provide coordination with the instantaneous ground-fault protection of motor and shearer circuits shall not exceed 0.25 seconds.

(7) Undervoltage protection shall be provided by a device which operates on loss of voltage to cause and maintain the interruption of power to a circuit to prevent automatic restarting of the equipment.

(b) Current transformers used for the ground-fault protection specified in paragraphs (a)(4)(i) and (5) of this section shall be single-window type and shall be installed to encircle all three phase conductors. Equipment safety grounding conductors shall not pass through or be connected in series with ground-fault current transformers.

(c) Each ground-fault current device shall be provided with a test circuit that will inject a current of 50 percent or less of the current rating of the grounding resistor and cause each corresponding circuit interrupting device to open.

(d) Circuit interrupting devices shall not reclose automatically.

§ 75.815 Disconnect devices.

(a) The section power center shall be equipped with a main disconnecting device installed to deenergize all cables extending to longwall equipment when the device is in the "open" position. See Figures I-1 and I-2 in appendix A.

(b) Disconnecting devices for motor-starter enclosures shall be maintained in accordance with the approval requirements of paragraph (f) of § 18.53 of this chapter. The compartment for the disconnect device shall be provided with a caution label to warn miners against entering the compartment before deenergizing the incoming high-voltage circuits to the compartment.

(c) Disconnecting devices shall be rated for the maximum phase-to-phase voltage of the circuit in which they are installed, and for the full load current of the circuit that is supplied power through the device.

(d) Each disconnecting device shall be designed and installed so that—

(1) It can be determined by visual observation that the contacts are open without removing any cover;

(2) All load power conductors can be grounded when the device is in the "open" position; and

(3) The device can be locked in the "open" position.

(e) Disconnecting devices, except those installed in explosion-proof enclosures, shall be capable of interrupting the full-load current of the circuit or designed and installed to cause the current to be interrupted automatically prior to the opening of the contacts of the device. Disconnecting devices installed in explosion-proof enclosures shall be maintained in accordance with the approval requirements of paragraph (f)(2)(iv) of § 18.53 of this chapter.

§ 75.816 Guarding of cables.

(a) High-voltage cables shall be guarded at the following locations:

(1) Where persons regularly work or travel over or under the cables.

(2) Where the cables leave cable-handling or support systems to extend to electric components.

(b) Guarding shall prevent miners from contacting the cables and protect the cables from damage. The guarding shall be made of grounded metal or nonconductive flame-resistant material.

§ 75.817 Cable handling and support systems.

Longwall mining equipment shall be provided with cable handling and support systems that are constructed, installed and maintained to prevent miners from contacting the cables and to protect the high-voltage cables from damage.

§ 75.818 Use of insulated cable handling equipment.

(a) Energized high-voltage cables shall not be handled except when motor or shearer cables need to be trained. When cables need to be trained, high-voltage insulated gloves, hooks, tongs, slings, mitts, aprons, or other personal protective equipment capable of providing protection against shock hazard shall be used to prevent direct contact with the cable.

(b) Insulated personal protective equipment shall be—

(1) Rated for a minimum of 20,000 volts;

(2) Examined before each use for visible signs of damage;

(3) Removed from the underground area of the mine when damaged or defective; and

(4) Electrically tested every 6 months.

§ 75.819 Motor starter enclosures; barriers and interlocks.

Compartment separation and cover interlock switches for motor-starter enclosures shall be maintained in accordance with the approval requirements of paragraphs (a) and (b) of § 18.53 of this chapter.

§ 75.820 Electrical work; troubleshooting and testing.

(a) Electrical work on all circuits and equipment associated with high-voltage longwalls shall be performed only by persons qualified under § 75.153 to perform electrical work on high-voltage circuits and equipment.

(b) Prior to performing electrical work, except for troubleshooting and testing of energized circuits and equipment as provided for in paragraph (d) of this section, a qualified person shall do the following:

(1) Deenergize the circuit or equipment with a circuit interrupting device.

(2) Open the circuit disconnecting device. On high-voltage circuits, ground the power conductors until work on the circuit is completed.

(3) Lock out the disconnecting device with a padlock. When more than one qualified person is performing work each person shall install an individual padlock.

(4) Tag the disconnecting device to identify each person working and the circuit or equipment on which work is being performed.

(c) Each padlock and tag shall be removed only by the person who installed them, except that, if that person is unavailable at the mine, the lock and tag may be removed by a person authorized by the operator, provided—

(1) The authorized person is qualified under paragraph (a) of this section; and

(2) The operator ensures that the person who installed the lock and tag is aware of the removal before that person resumes work on the affected circuit or equipment.

(d) Troubleshooting and testing of energized circuits shall be performed only—

(1) On low- and medium-voltage circuits;

(2) When the purpose of troubleshooting and testing is to determine voltages and currents; and

(3) By persons qualified to perform electrical work on high voltage and who wear rubber insulated gloves rated for the nominal voltage of the circuit.

(e) Before troubleshooting and testing a low- or medium-voltage circuit contained in a compartment with a high-voltage circuit, the high-voltage circuit shall be deenergized, disconnected, grounded, locked out and tagged in accordance with paragraph (b) of this section.

(f) High-voltage cables located in conveyor belt entries shall be deenergized prior to the removal of the conveyor belt structure.

§ 75.821 Testing, examination and maintenance.

(a) At least once every 7 days, a person qualified in accordance with § 75.153 to perform electrical work on high-voltage circuits and equipment shall test and examine each unit of high-voltage longwall equipment and circuits to determine that electrical protection, equipment grounding, permissibility, cable insulation, and control devices are being properly maintained to prevent fire, electrical shock, ignition, or operational hazards from existing on the equipment. Tests shall include actuation of the ground-fault test circuit required by § 75.814(c).

(b) Each ground-wire monitor and associated circuits shall be examined and tested at least once each 30 days to verify proper operation and that it will cause the corresponding circuit interrupting device to open.

(c) When examinations or tests of equipment reveal a fire, electrical shock, ignition, or operational hazard, the

equipment shall be removed from service or repaired.

(d) At the completion of examinations and tests required by this section, the person who makes the examinations and tests shall certify by signature and date that they have been conducted. A record shall be made of any unsafe condition found and any corrective action taken. Certifications and records shall be kept for at least one year and shall be made available at the mine for inspection by authorized representatives of the Secretary and representatives of miners at the mine.

§ 75.1002-1 [Removed]

4. Section 75.1002-1 is removed and § 75.1002 is revised to read as follows:

§ 75.1002 Installation of electric equipment and conductors; permissibility.

(a) Electric equipment shall be permissible and maintained in a permissible condition when such equipment is located within 150 feet of pillar workings or longwall faces.

(b) Only the following electric conductors and cables shall be installed in or inby the last open crosscut or within 150 feet of pillar workings.

(1) Shielded high-voltage cables supplying power to permissible longwall equipment.

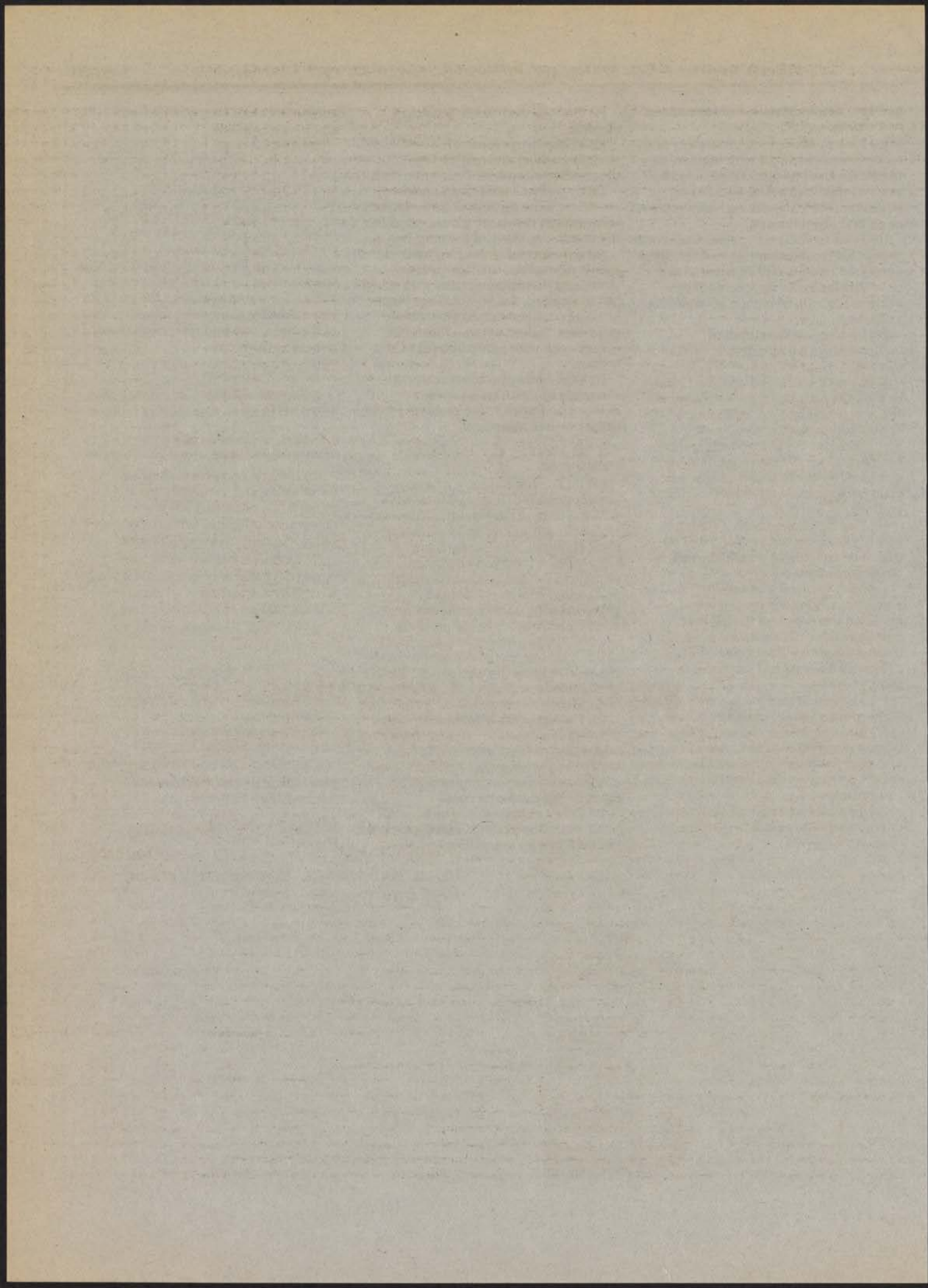
(2) Interconnecting conductors and cables of permissible longwall equipment.

(3) Conductors and cables of intrinsically safe circuits.

(4) Cables and conductors supplying power to low- and medium-voltage permissible equipment.

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**Thursday
August 27, 1992**

Part V

**Department of
Transportation**

Federal Highway Administration

**Request for Information Regarding
Development of a System Architecture
for a Nationwide Intelligent Vehicle
Highway System; Notice**

DEPARTMENT OF TRANSPORTATION

Request for Information Regarding Development of a System Architecture for a Nationwide Intelligent Vehicle Highway System

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice; request for information.

SUMMARY: The U.S. Department of Transportation (DOT) is requesting information from all sources regarding the development of a comprehensive nationwide open system architecture for Intelligence Vehicle Highway Systems (IVHS). The national IVHS program is a dynamic public/private partnership involving DOT, State and local governments, private industry, and academia. The program involves research, development, operational testing, and deployment of IVHS technology applications and system concepts. This request for information (RFI) requests comments on IVHS technical issues and the procedural process that DOT intends to follow in awarding multiple contracts to engage in parallel developmental efforts for an open, national IVHS architecture. Included are: (1) A proposed Statement of Work for the effort including project schedule and deliverables (attachment 1); (2) a proposed list of user services for the system to deliver (attachment 2); (3) a matrix table of proposed architecture evaluation criteria (attachment 3); and (4) a list of specific questions to respondents regarding this RFI (attachment 4).

DATES: Responses to this request for information must be received on or before October 13, 1992.

ADDRESSES: Responses to this request for information should be submitted directly to the Federal Highway Administration, Office of Contracts and Procurement (HCP-41), 400 Seventh St. SW., room 4410, Washington, DC 20590, Attention: Mr. Rick Murray.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Murray, FHWA Office of Contracts and Procurement (HCP-41), at (202) 366-4250.

SUPPLEMENTARY INFORMATION: IVHS applies surveillance, communication, data management, control software, and display technologies to help solve congestion, safety, and productivity problems associated with the transportation of people and goods. The national IVHS program is a dynamic public/private partnership involving the DOT, State and local governments, private industry, and academia. The program involves research,

development, operational testing, and deployment of IVHS technology applications and system concepts. Actual deployment responsibility lies with the State and local units of government and the private sector; accordingly, these and other stakeholders will be heavily involved in the early-on process for determining the national architecture. An organization called the Intelligent Vehicle Highway Society of America (IVHS AMERICA) has been established to provide a forum for the public and private sectors and academia to discuss and resolve IVHS related topics and issues. It is also chartered as a Federal advisory committee to the DOT on IVHS matters.

The process of awarding contracts to multiple teams to engage in parallel efforts directed towards the initial definition of an open, national IVHS architecture is intended to allow the best possible architecture to be developed. Since the architectural definition process should take place wholly in the public domain, the DOT will fund the entire effort. This RFI is the first step in that process.

For ease of reference, the following listing of acronyms used throughout this document is provided:

ACRONYMS

AASHTO American Association of State Highway Transportation Officials
ATA American Trucking Associations
APTA American Public Transportation Association
CB Consensus builder
COTR Contracting Officer Technical Representative
DOT United States Department of Transportation
FHWA Federal Highway Administration
FPR Final program review
FTA Federal Transit Administration
IPR Interim program review
ITE Institute of Transportation Engineers
IVHS Intelligent Vehicle Highway System
NHTSA National Highway Traffic Safety Administration
OST Office of the Secretary, Department of Transportation
RFI Request for information
RFP Request for proposal
RSPA Research and Special Programs Administration
SAE Society of Automotive Engineers
SOW Statement of Work
TBD To be determined
TRT Technical Review Team

Introduction

This RFI will be used in developing a subsequent RFP for awarding multiple contracts to engage in parallel developmental efforts to define and evaluate alternative IVHS system architectures. Responses are requested on any and all aspects of this RFI. Please note that these responses will be considered non-proprietary, with the exception of company-sensitive RFI/RFP cost data which will be held proprietary. No payment or preparation costs are authorized in the compilation and submission of response information. This RFI shall also provide presolicitation information to prospective sources in a fair and equal manner. Information in this presolicitation notice is preliminary and will be superseded by information provided in subsequent competitive procurement packages.

A draft Statement of Work (SOW), a list of IVHS user services, and a matrix table of architecture evaluation criteria are provided as attachments 1, 2, and 3, respectively. Attachment 4 is a list of specific questions addressing certain fundamental issues regarding this RFI and attachments. The thorough resolution of many of these issues will be crucial to the success of the program. Frank and detailed responses to the questions, and comments on the draft SOW, are highly encouraged.

Goals and Objectives

The following is a description of the process that the DOT intends to follow in conducting a program that will result in the design of a single open system architecture for a nationwide IVHS.

The process as outlined below is intended to achieve the following primary goals:

1. To encourage innovation in the candidate architectures, in order to allow for the broadest possible range of concepts to be considered initially;
2. To ensure development of a technically sound architecture that will favorably accommodate immediate product development, integration of new technologies as they mature, and future expansion of the system;
3. To allow for substantial input in the development process from a majority of IVHS-concerned parties, so as to achieve a wide base of support for the eventual chosen architecture.

Team Selection

A DOT/FHWA source selection panel will be responsible for evaluating proposals and awarding contracts to multiple teams. In addition to the typical proposal evaluation criteria such as

quality of team, quality and content of proposal, cost, etc., the proposals will be based on a "uniqueness of approach" criteria. That is, the DOT intends to develop a variety of architectural approaches prior to selecting a system for implementation. Funding of multiple proposals that will result in similar systems and redundant efforts will be avoided. This will provide an opportunity for the entire spectrum of system concepts to surface, and for the most promising ones to be chosen for further in-depth study.

There exists a large pool of potential partners from which teams might arise. It is expected that these teams will have a diverse constituency reflecting the broad range of disciplines that may be brought to bear on the development and evaluation of an IVHS architecture.

Tasking Summary

The architecture development contract will be for a period of 34 months. This will consist of a basic contract with an option, each consisting of 17 months.

In accordance with the draft SOW, the architecture development will proceed in two phases. The first phase will produce a set of fully defined architectures in terms of the system and subsystem descriptions, and information

and data flow. These will be derived from analysis of desired IVHS user services, breakdown of the system functions proposed to deliver these services, suggested distribution of these functions, and the sequencing of their deployment. Each architecture will encompass the full set of IVHS user services. A preliminary set is included in this RFI as attachment 2; a final set will be defined in the RFP. Teams may suggest other services that they feel are necessary for the system design. Other products of the first phase efforts will include summaries of the studies and technical analyses performed, and a proposed plan for full evaluation of the architecture during the program's second phase.

The second phase will involve the detailed analysis and system modeling needed to fully evaluate the alternative architectures. The primary product of the second phase will be a final report, detailing the results of system-level simulations of the proposed architectures using a set of common scenarios (to be supplied by FHWA).

Program Management Structure

Figure 1 is the IVHS architecture development management scheme. Individual roles and responsibilities are

briefly described, as are relationships among entities.

DOT IVHS Coordinating Committee: Responsible for overall policymaking.

DOT IVHS Working Group: Overall technical direction/oversight; DOT program management and decisions; path of information to DOT Coordinating Committee.

IVHS AMERICA: Provides technical guidance to the DOT regarding development of a national plan for implementing IVHS; provides advice and recommendations on the overall program to the DOT IVHS Coordinating Committee and Working Group.

DOT Architecture Team: Comprised of technical representatives from all appropriate modal administrations (FHWA, FTA, NHTSA, RSPA, OST); responsible for technical oversight and coordination among DOT agencies; makes recommendations to the DOT IVHS Working Group.

IVHS AMERICA Architecture Advisor: An IVHS AMERICA staff representative who provides expert advice to the DOT Architecture Team.

MITRE Corporation: Provides engineering support to DOT Architecture Team through FHWA; conducts special studies that cut across contract team efforts.

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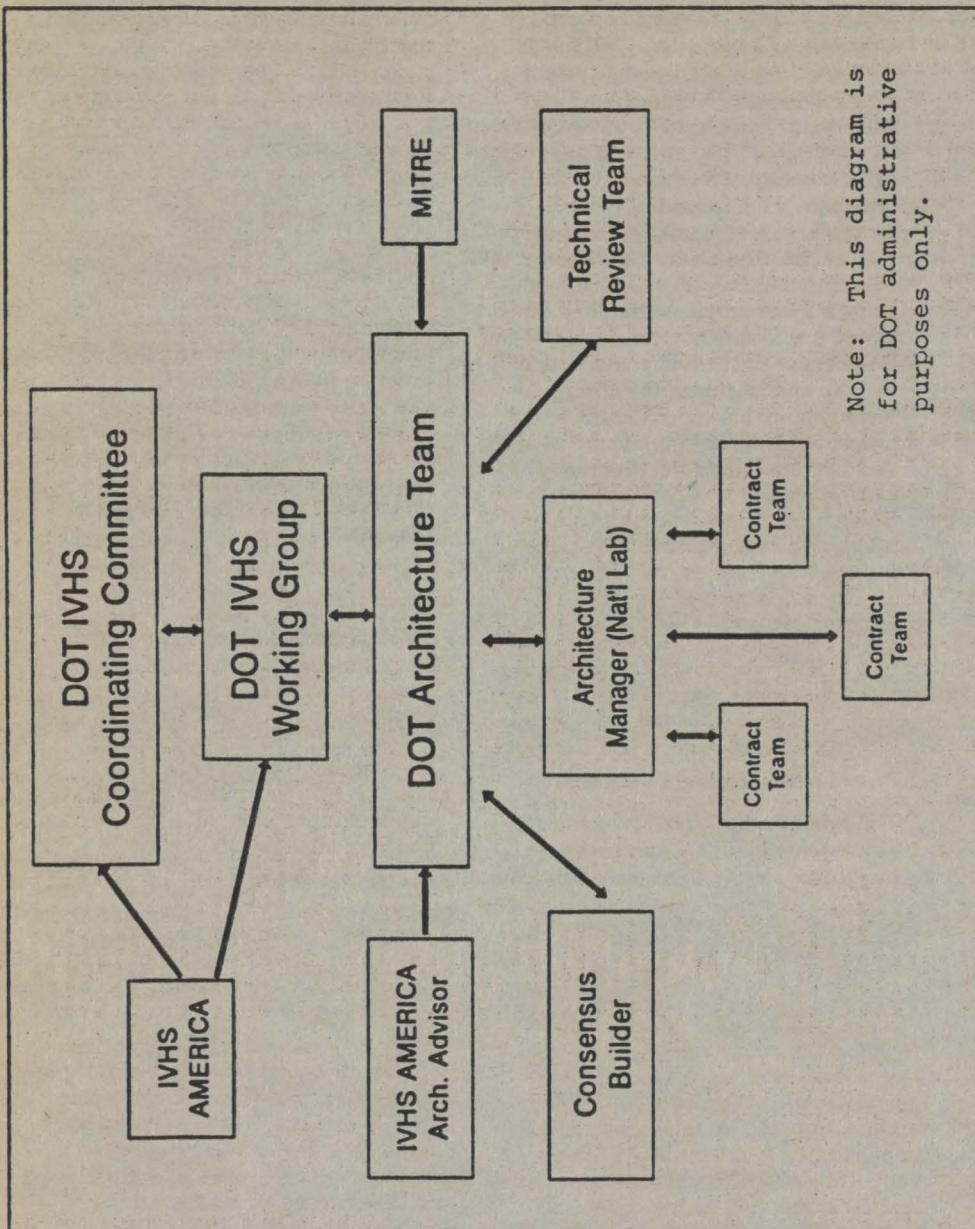


Figure 1: IVHS Architecture Program Management Structure

Consensus Builder (CB): Competitive contract—works with public and private sector organizations (IVHS AMERICA, ATA, APTA, SAE, ITE, AASHTO, etc.) in an aggressive outreach effort; explains IVHS Architecture effort and makes progress briefings to these groups to build consensus and receive comments/concerns.

Architecture Manager: National Laboratory activity—day-to-day technical contract management activities (COTR); manages flow of information among IVHS Architecture contractor teams, Technical Review Team (TRT), Consensus Builder, and DOT Architecture Team; schedules and coordinates all review meetings with the IVHS Architecture contractor teams.

Contract Teams: Multi-disciplinary contract teams that perform the technical work needed to develop and analyze the architecture alternatives.

Technical Review Team: Expert group—supports the DOT Architecture Team; comprised of technical experts from outside of DOT, including private industry, academia, State and local public agencies, universities, IVHS AMERICA members, etc.—helps the DOT Architecture Team at specific times (i.e., technical reviews) throughout the development process (2 to 3 times/year).

The Review and Evaluation Process

A number of reviews will take place during the architecture development process. To facilitate these reviews, all materials produced under the contracts will be considered non-proprietary. In the spirit of producing the best possible open architecture in an open environment, the reviews will be in a forum in which all contractor teams will be in attendance during the others' presentations. Each contractor team will be expected to comment on the other approaches.

Bimonthly briefings by the contractor teams to the DOT Architecture Team and Architecture Manager will be held for progress updates.

The Interim Program Review, a more formal review, will take place approximately halfway through each phase. The contractors will present their architectures to the CB, TRT, Architecture Manager, and DOT Architecture Team for a preliminary technical assessment and will receive additional guidance where appropriate.

At the end of each phase there will be a three month review period, during which the TRT and Architecture Manager will perform a final technical assessment of the architectures based upon predetermined criteria. The TRT results and recommendations will be

supplied to the DOT Architecture Team and passed on to the CB and IVHS AMERICA. The CB, along with the contractor teams, will aggressively conduct a series of briefings, to stakeholder organizations (ATA, APTA, SAE, ITE, AASHTO, etc.) and State and local governments during the remainder of the three month period so as to inform/elaborate/clarify the submitted architectures. The DOT will consider the feedback from these stakeholders in making a decision as to which architectures should continue into Phase II (in the case of the first review period) and which architecture should be selected as the national architecture (in the case of the second review).

The implementation of a system (not part of this proposed contract effort) based on the selected architecture will be guided through the establishment of standards, regulations, and Federal-aid eligibility requirements.

All architectures will be evaluated against the same set of criteria as listed in attachment 3. This matrix shows the criteria that will be used to evaluate the various architectures throughout the development effort, in addition to guiding the down selection process.

Attachment 1: IVHS Architecture Development Statement of Work

Introduction

The effort to define a national IVHS system architecture will be performed in two phases. As part of the source selection process, multiple architecture "teams" will be selected to participate in Phase I. During Phase I, the contractor teams shall each develop a comprehensive, "high end-state" IVHS architecture; this is, a long range, fully-implemented architecture capable of supporting all IVHS user services listed in attachment 2 at their greatest functional level. In addition to the high end-state IVHS architecture, the contractor teams shall develop an evolutionary strategy that addresses the implementation of the architecture over time, and discusses the range of services that can be provided at each intermediate time period. The contractor teams will provide discussion showing how selected services/capabilities may be initially implemented at a lower level of service and, over time, evolve to support the high end-state architecture. This will be done as snapshot descriptions at 5, 10, and 20 year timeframes. Additionally, the contractor teams will discuss how various capability levels of the architecture could be supported, up to the high end-state, based on the availability of resources to support IVHS technology in

the vehicle and within the infrastructure, and on jurisdictional preferences as IVHS is deployed. That is, the contractor team will provide a range of functionality that can be supported by the architecture, from a low end-state to the high end-state.

At the end of Phase I, each contractor team will formally submit its architecture for evaluation. Using a set of evaluation criteria (attachment 3), a decision will be made as to which contractor teams will continue on with Phase II of the project. During Phase II, the remaining contractor teams will refine and rigorously evaluate their architectures. At the end of Phase II, through a consensus building process, one of these architectures will be selected as the national IVHS architecture.

Phase I—Architecture Definition and Initial Analysis

Task A: Project Management (Across Phases I and II)

1. This task will support performance of program management activities. Each contractor team selected for the Phase I effort will participate in a kickoff meeting to introduce the teams and discuss the strategy for proceeding into Phase I. The contractor teams will be required to develop project work plans for Phases I and II, providing additional detail on their individual technical approaches and allocation of resources. Each contractor team will be required to deliver a monthly progress report detailing all activities being conducted, including progress towards each of the deliverables, travel, and visits to any IVHS operational test sites. Also, each contractor team will be required to prepare a detailed work plan for Phase I and, if accepted for continued participation in Phase II, will be required to prepare a detailed Phase II work plan.

2. Task A will also support preparation for and participation in an Interim Program review (IPR) and a Final Program Review (FPR) to be held during Phase I. During these reviews, the contractor teams will meet with the Architecture Manager and the COTR for each contractor team, the DOT Architecture Team, Technical Review Team, and Consensus Builder representatives and will present a technical briefing of their efforts to define and evaluate a IVHS architecture (see Deliverables). The reviews will be open meetings in that each contractor team will attend the presentations of the other contractor teams. Material to be presented at the reviews will cover all

the items listed (see Deliverables). For areas where an initial analysis has been completed, preliminary results will be presented. For areas where analysis has not been initiated (e.g., cost analysis), discussion will be presented as to the methodologies to be followed in conducting the analysis. The briefing material presented during the Interim Program Review should include significant technical detail (e.g., dataflow diagrams depicting major subsystems, inputs, and outputs) and should track closely with the draft documents (see Deliverables) to be delivered at the Interim Program Review. The documents identified as drafts to be delivered at the Interim Program Review should be fairly complete (i.e., no major sections/diagrams identified as TBD).

3. The individual contractor teams will be responsible for the preparation of briefing materials and reports to be distributed to the Architecture Manager and to those attending other technical meetings (other than the IPR and FPR) that may arise during the course of the project. Primarily, these will occur at the end of Phase I and will be needed to brief the stakeholder organizations on the results of the Phase I architecture development and analysis. These briefings will be held in an open meeting and each contractor team will attend the presentations of the other contractor teams.

4. Travel requirements for each contractor team will be identified under this task. This will include both common travel requirements for attending the IPR and other meetings with the Architecture Manager and the DOT, as well as other travel considered necessary for the conduct of the study. For example, a kickoff meeting will be held at the beginning of the project to define the objectives and deliverables and to acquaint the various contractor teams with each other and with other project participants. Each contractor team will be expected to participate in this meeting. Additionally, bimonthly review meetings will be held between each contractor team, the DOT Architecture Team, and the COTR for that team. (Note: Although there is only one Architecture Manager, there are multiple COTRs supplied by the Architecture Manager contractor, each COTR working with a different contractor team.)

Task B: Architecture Development

1. Each contractor team will describe its architecture using a standard framework of commonly accepted system engineering tools. In addition to defining an IVHS architecture, each

contractor team will provide a discussion of the methodology and tools to be used in developing and evaluating the architecture. A detailed discussion of methodology will be included in the IPR and as part of the final documentation of Phase I. The Phase I architecture definition should consist of the following components:

- (a) Description of all required subsystems (inputs, outputs, functions) including functional block diagrams;
- (b) Description of all data paths including all interfaces between subsystems and/or databases, including a data dictionary (sample to be provided);
- (c) Preliminary message definition;
- (d) List of constraints and assumptions which were used as the basis of developing the architecture (e.g., traffic loads, maximum vehicle speeds). This refers, primarily, to any constraints or assumptions that differ from or augment the operational scenarios discussed in Task B3;
- (e) Snapshots of the IVHS architecture (high end-state with discussion of interim capabilities) at several points in time (5, 10, 20 years).

Additionally, the contractor team should discuss the approach to be used for:

- (f) Defining evolutionary deployment strategy;
- (g) Analyzing data loading requirements.

Draft reports discussing these two areas are required later in Phase I.

2. The contractor teams will remain aware of on-going IVHS activities, including research and development studies, operational tests, institutional issues studies, and product developments in the private sector. Team members are encouraged to review documentation of ongoing and planned operational tests including designs, evaluation plans, and test results. Additionally, contact with key personnel involved in the operational tests is encouraged as are visits to the test sites. Unplanned visits will be approved by the COTR and documented in the contractor's monthly progress report.

3. The contractor team will review government-furnished IVHS operational scenarios which describe urban, interurban, and rural IVHS operations (to be provided by FHWA). These scenarios identify general IVHS operating characteristics for each of these three environments and are based on specific geographic locations, with some modifications to generalize the scenario. Parameters identified for each of these three general scenarios include:

(a) Traffic parameters—estimates of peak traffic flows (duration, distribution of traffic load across the peak period, congestion throughout the network, hot spots), recurrent versus non-recurrent congestion, capacity, size of region, average trip specifications, and trucking routes;

(b) Incident parameters—estimates of numbers of incidents, average duration, and effect on throughput;

(c) Infrastructure parameters—estimates of total road miles of various types of roads, numbers (and types) of intersections, relative locations of Changeable Message Signs (CMS) and the Traffic Management Center(s) (TMC), types of signaling systems, and distribution of key infrastructure components, number of jurisdictions which must coordinate, network structure (grid versus random, parallel arterials, available alternate routes);

(d) Institutional restrictions—estimates of percentages of traffic that can be routed from freeways onto arterials, trucking restrictions, inter-jurisdictional or inter-agency communication (e.g., how many organizations must interact to handle an incident);

(e) Multi-modal aspects—percentage of commuters using transit versus cars, extent and types of transit networks and level of service, support for High Occupancy Vehicle (HOV) lanes, parking availability (ratio of slots to cars) at public/private lots and at intermodal facilities;

(f) Environmental factors—estimated rainfall, snowfall, number of days below freezing, average height and distribution of buildings (multi-path interference), geographical barriers (e.g., rivers with limited crossings, bridges, tunnels).

The contractor team must follow these operational scenarios, as a minimum, but is free to add to or enhance these scenarios. The contractor team must be prepared to present a rationale for modifying them. Any changes to the operational scenarios (other than additions) require Contracting Officer approval and, if the change is accepted, will be required of all of the other contractor teams. The contractor team will also base the requirements definition on the defined list of user services (attachment 2). The contractor team must address each user service in each of the operational scenarios, either including it in the architecture or presenting a rationale as to why the service is not needed or is only optionally needed in that particular operational scenario. The contractor team is free to add user services to the list and must be prepared to present its

rationale for these additions. As with the operational scenarios, any changes to the user services list (other than additions) will require Contracting Officer approval and, if the change is accepted, will be required of all of the other contractor teams. Attachment 2 represents a fundamental list of IVHS services.

Task C: Architecture Analysis

Each contractor team will conduct an initial evaluation of their architecture. The primary analyses to be conducted are:

- Technical analysis,
- Feasibility/risk analysis,
- Initial cost analysis, and
- Institutional issues analysis.

These analyses shall be conducted in the framework of the evolutionary architecture, as defined under Task B1 as snapshots at 5, 10, and 20 years, specifically looking at the high end-state architecture at these development stages. The Phase I evaluation criteria listed in attachment 3 will be used both by the contractor teams to evaluate their architectures and by the Technical Review Team to rate each contractor teams' architecture. Phase I analysis activities include:

Technical Analysis—This will be a primarily technical analysis of each architecture snapshot, looking at various options to implement user services. The purpose of this analysis is to determine, and document, the pros and cons of various architecture design choices.

Feasibility/Risk Analysis—The purpose of this analysis will be to determine how feasible it will be to implement the architecture, taking into account factors such as technical risk (e.g., which approaches depend on less mature technologies), user acceptance, and changes required in standard operations (for either the user or the infrastructure). This analysis will also attempt to determine if a reasonable deployment strategy can be developed (e.g., deployment should not require long periods of consumer/infrastructure investment without noticeable benefit).

Initial cost analysis—During Phase I, the contractor team will perform a rough cost estimate of the architecture. Areas of cost analysis will include consumer cost and infrastructure costs and, under each category, the cost analysis will explore capital costs, operations costs, and maintenance costs. While cost factors (evaluation criteria) are the same for phase 1 and 2, the Phase I cost analysis will be more of a high-level analysis with the Phase II analysis going into more depth.

Institutional issues—During Phase I, the contractor team will begin to

evaluate how well the architecture addresses institutional issues. The primary institutional issues to be addressed in Phase I include allocations of costs and benefits, first user benefits (i.e., initial users will receive immediate benefit without having to wait for massive infrastructure development or for large numbers of vehicles to be similarly equipped), and the degree to which the architecture supports/encourages interjurisdictional cooperation.

Task D: Evaluation Model Refinement and Calibration

Under this task, the contractor team will conduct modeling and simulation activities to validate the soundness of the proposed architecture. During Phase I, the following activities will take place:

- Definition of simulation parameters and determination of a simulation methodology, ready for the Interim Program Review;
- Preliminary simulation results for a subset of evolutionary architecture definitions and operational scenarios (Note: Currently we are considering using an urban scenario simulating a snapshot of the architecture at the 5 year timeframe);
- Detailed planning for continuing the simulation activity into Phase II.

Deliverables (Phase I)

Following are the deliverables for Phase I indicating due dates for both draft and final versions of the material. Any date marked IPR means that the material is due at the time the Interim Program Review is held. The IPR will be held 5 months after contract award. P2 indicates that an item will be delivered in Phase II (but is included here because an initial draft was required in Phase I). All deliverable dates are expressed as months after contract award.

| Deliverable | Draft | Final |
|--|-------|--------------|
| Workplan..... | 1 | 2. |
| Prepare meeting minutes..... | n/a | As required. |
| Progress reports..... | n/a | Monthly. |
| Interim Program Review..... | n/a | 5. |
| Progress reviews..... | n/a | Bimonthly. |
| IVHS architecture: | | |
| 1. Description of all required subsystems (form, fit, and function). | IPR | 10. |
| 2. Architecture development methodology. | IPR | 10. |
| 3. Description of all data paths (data flow) diagrams or equivalent. | IPR | 10. |
| 4. Preliminary message definition. | IPR | 10. |
| 5. Analysis of data loading requirements. | 10 | 12. |

| Deliverable | Draft | Final |
|--|-------|-------|
| 6. List of constraints and assumptions used as basis for developing the architectures (e.g., traffic loads, maximum vehicle speeds). | IPR | 10. |
| 7. Snapshots of the IVHS architecture at several points in time (5, 10, 20). | 10 | 12. |
| Feasibility study including risk analysis. | 10 | 12. |
| Evolutionary deployment strategy. | 12 | P2. |
| Rough cost analysis..... | 10 | 12 |
| Simulation studies: | | |
| 1. Simulation methodology and parameters. | IPR | 12. |
| 2. Preliminary simulation results. | 12 | n/a. |
| 3. Detailed Phase II simulation plan. | 12 | P2. |

Phase II—Architecture Evaluation and Implementation Plans Task A (continued): Project Management (across Phases I and II)

1. Each contractor team selected to continue working in Phase II will participate in a Phase II kickoff meeting. This meeting will inform the winning teams of the results of the selection process and discuss the strategy for proceeding into Phase II. The DOT Architecture Team will make recommendations regarding changes to the contractor teams' architectures based upon comments received from the Technical Review Team, the Consensus Builder, and the Architecture Manager. This meeting will also serve to clarify objectives for Phase II and will lead to discussions of the expected content of the Phase II deliverables and the Phase II delivery schedule. Based upon the discussions at this meeting, the contractor teams will prepare updated workplans for Phase II.

2. A Phase II Interim Program Review will be conducted approximately halfway through Phase II. This review will be open to each contractor team participating in Phase II and will follow the same format as the Phase I IPR. The contractor team briefings will discuss, in detail, any deliverable which is identified as due by the time of the Phase II IPR (see Deliverables) and will provide methodologies and initial results for deliverables which are only in a draft stage at the time of the Phase II IPR. A Phase II FPR will be held at the end of the Phase II effort.

3. The individual contractor teams will be responsible for the preparation of briefing materials and reports to be

distributed to the Architecture Manager and to those attending other technical meetings (other than the IPR and FPR) that may arise during the course of the project. These briefings will primarily occur at the end of Phase II. The contractor teams will be required to support the Consensus Builder in briefing the architecture to the stakeholders (i.e., public) on a wide basis. These will be open briefings attended by all contractor teams.

Task E: Architecture Refinement

Based upon material received during the Phase II kickoff meeting, each contractor team will incorporate necessary changes to its architecture and to each of the deliverables originally provided in Phase I. This Task supports the efforts of each contractor team in updating these deliverables and will be carried out in parallel with other Phase II Tasks. Activities to be conducted under this Task regarding updating the Phase I deliverables are listed below.

1. Final description of all required subsystems (inputs, outputs, functions) including functional block diagrams.
2. Final description of all data paths including all interfaces between subsystems and/or databases, including a data dictionary.
3. Final message definition.
4. Final analysis of data loading requirements.
5. List of constraints and assumptions which were used as the basis for developing the architecture (e.g., traffic loads, maximum vehicle speeds).
6. Snapshots of the IVHS architecture (high end-state with discussion of interim capabilities) at several points in time (5, 10, 20 years).

Task F: Detailed Evolutionary Deployment Strategy

Each contractor team will develop an evolutionary deployment strategy discussing how the high end-state architecture will be deployed under the three scenarios.

The contractor teams will provide discussion showing how some services/capabilities may be initially implemented at a lower level of service and, over time, evolve to support the high end-state architecture. This will be done as snapshot descriptions at 5, 10, and 20 year timeframes. Additionally, the contractor teams will discuss how, at each of these three timeframes, various levels of service could be supported by partial deployment of the architecture, up to the high end-state, based on the availability of resources to support IVHS technology in the vehicle and within the infrastructure, and on

jurisdictional preferences as IVHS is deployed. That is, the contractor team will provide a range of functions that can be supported by the architecture, from a low end-state (i.e., minimum capability) to the high end-state.

In developing the evolutionary deployment strategy, the contractor teams will include the following perspectives in their analyses:

1. Deployment under the architecture as a function of time: the issue of availability and affordability of technology will be considered in determining how IVHS will be incrementally deployed, following the contractor team's architecture. This will require some forecasting as to the state of technology and will require the contractor team to analyze the architecture to insure that incremental additions, as technology matures, are backward compatible with installed and operating equipment and that sufficient modularity exists that only components of the system, and not the entire system, need to be replaced to use the new capability (e.g., as an analogy, as compact disks (CD) became available as a music media, one could upgrade to use this new media by merely adding a CD player to an existing stereo system and not have to replace the entire stereo system).

2. Deployment under the architecture as a function of capability: this requires the contractor team to analyze its architecture to insure that, at any given point in time, the architecture will support various functional levels for a particular capability. For example, if vehicle route guidance is supported in the architecture, its implementation at any one geographic location should support low end capabilities (e.g., a text readout listing streets and turns) to a high end capability (e.g., route overlay displayed on a map).

3. Deployment under the architecture as a function of operational scenario: this requires the contractor team to review each of the three operational scenarios to determine, both from the time and capability perspectives, how IVHS should be deployed under the team's architecture to ensure the capability to upgrade and to vary the functions at various geographic locations, while still maintaining a nationally compatible system. IVHS will not be implemented exactly the same way at exactly the same time everywhere in the United States. However, despite these geographic variations in IVHS deployment, the architecture must allow national compatibility between the vehicle and the infrastructure.

Task G: Detailed Architecture Evaluation

Under this Task, each contractor team will take the architecture cost/benefit analysis to a greater level of detail than in Phase I, using the three scenarios as a basis for evaluation. The contractor team will also analyze the actual or perceived benefit of the various services offered under the architecture taking into account the evolutionary deployment strategy developed under Task F (e.g., Does the architecture offer a significant first user benefit?).

During Phase II, each contractor team will conduct simulation studies and other analyses of its architecture in each of the three scenarios (urban, interurban, and rural). The contractor teams will deliver detailed simulation and analysis plans at the Phase II Interim Program Review which will be reviewed and discussed with the Architecture Manager, the DOT Architecture Team, Technical Review Team, and Consensus Builder representatives. For the remainder of Phase II, the contractor teams will carry out the simulation studies and other analyses based upon these plans and will deliver intermediate results 10 months into Phase II. Based upon final comments from the Technical Review Team, the contractor teams will complete their simulation studies and deliver the results at the end of Phase II.

Detailed architecture evaluation criteria are discussed in attachment 3.

Task H: Analysis of Institutional Issues

Under this task, the contractor teams will investigate institutional issues under each of the three operational scenarios. Institutional issue evaluation criteria to be considered in this evaluation are listed in attachment 3.

The contractor teams will treat these issues as evaluation criteria, looking at advantages and disadvantages of their architecture for each of these issues and looking at worst-case situations.

Deliverables (Phase II)

The following is the schedule for Phase II. All dates are in terms of months after the beginning of Phase II. Any date marked IPR means that the material is due at the time the Phase II Interim Program Review is held. The Phase II IPR will be held 6 months after the start of Phase II.

| Deliverable | Draft | Final |
|---------------------------------|-------|--------------|
| Workplan (update for Phase II). | 1 | 2. |
| Prepare meeting minutes... | n/a | As required. |

| Deliverable | Draft | Final |
|---|-------|------------|
| Progress reports | n/a | Monthly. |
| Interim Program Review | n/a | 6. |
| Progress reviews | n/a | Bimonthly. |
| Architecture: | | |
| 1. Final description of all required subsystems (form, fit, function). | 4 | IPR. |
| 2. Final description of all data paths (data flow diagrams or equivalent). | 4 | IPR. |
| 3. Final message definition. | 4 | IPR. |
| 4. Final analysis of data loading requirements. | 4 | IPR. |
| 5. List of constraints and assumptions used as basis for developing the architecture (e.g., traffic loads, maximum vehicle speeds). | 4 | IPR. |
| 6. Snapshots of the IVHS architecture at several points in time (5, 10, 20 years). | 4 | IPR. |
| Feasibility study including risk analysis (update). | 5 | IPR. |
| Evolutionary deployment strategy. | IPR | 15. |
| Detailed cost analysis | IPR | 12. |
| Simulation studies: | | |
| 1. Detailed simulation plan. | n/a | IPR. |
| 2. Simulation results | 10 | 15. |
| Institutional issues | IPR | 15. |

Attachment 2: IVHS User Services

Following are IVHS User Services that are considered desirable and achievable within the 20-year period, for the purpose of deriving an IVHS architecture. The architecture eventually agreed upon for implementation may in fact provide other, additional services.

Comments are requested regarding the services listed, and any additional services that should be required of a comprehensive IVHS architecture.

Vehicle Position Determination

Route/Trip Planning

1. Based on real-time travel conditions.
2. Based on predicted travel conditions (travel times, transit schedules, action of other vehicles and travelers in network).

Routing Instructions

1. Private vehicles.
2. Commercial vehicles.
3. Transit vehicles.
4. Emergency vehicles.

In-Vehicle Presentation of Information

1. Incidents/congestion.
2. Road/traction condition.
3. Roadway signing.

In-Vehicle Monitoring and Alerts/Alarms

1. Vehicle condition and performance.
2. Loss-of-traction warning.
3. Lane departure warning.
4. Intersection hazard warning.
5. Object detection and collision avoidance.
6. Driver condition and performance.
7. Special roadway conditions (height clearance, grade, curvature).

Assisted and Automated Vehicle Control

1. Headway keeping.
2. Lane following.
3. Lane changing.
4. Merge/demerge.
5. Transition from manual to automatic control.
6. Intersection safety management.
7. Collision avoidance.
8. Vehicle "check-in" to automated lanes.

Automated (Electronic) Tolls

1. Debiting and crediting.
2. Account processing and collection.

Automated (Electronic) Billing for Transit Fares, Parking and Other Services

1. Smart cards.
2. Third party billing.
3. Account review and updating.

Traveler Information Services Outside of Private Vehicles (at Home, in Office, on-Board Transit, Kiosks, Portable Personal Devices)

1. Multi-modal information (real-time ride-sharing and transit schedules; predicted arrival times).
2. Routing determination (multi-modal, current traffic and transit information).
3. Business locations and routing information ("Yellow Pages").
4. Emergency services (police, hospital) locations and routing information.
5. Parking location and status.

Assistance Requests and Automated MAYDAY Transmission (Automatic Vehicle Identification and Position Reporting)

1. Traveler initiated (road service and medical requests, accident/incident reporting).
2. Automated/vehicle initiated (accident report and assistance request).

Traffic and Network Monitoring/Control

1. Traffic flow monitoring.
2. Transit schedule and status monitoring.
3. Construction/work zone scheduling, monitoring, and management.

4. Police, EMS, etc. information processing.
5. Roadway (environmental, surface condition) status.
6. Monitor and coordinate incident detection and response.
7. Predicted traffic conditions.
8. Coordinated real-time, area-wide traffic control (signals, ramps, signs).
9. Priority treatment of special vehicles (police, EMS, transit, HOV).

Real-Time Information Dissemination

1. Manage cross-mode fee collection.
2. Travel information (routing, travel times) to vehicles.
3. Travel information (schedule adherence, travel times) to non-mobile locations (home, office, kiosk).

Commercial Vehicle Services

1. Automatic vehicle location (fleet management).
2. Automated tax charge/collection.
3. Electronic cargo monitoring/tracking.
4. Weigh-in-motion.
5. Electronic recording/verification of bill-of-lading, driver's license, permit issuance, driver's hours, mileage and roadway use.
6. HAZMAT monitoring and control.

Attachment 3: Architecture Evaluation Criteria

This attachment includes the detailed architecture evaluation criteria. These criteria will be used for the following purposes:

1. To guide the contractor teams in evaluating their own architectures during Phase I. Each team's analyses must address these criteria and the contractor teams' deliverables must address how well their architectures meet these criteria.
2. To guide the TRT and the Architecture Manager in evaluating the contractor teams' architectures.
3. To select which contractor teams will participate in Phase II.
4. To guide the final work of the contractor teams during Phase II in evaluating, refining, and documenting their architectures.
5. To select the final national IVHS architecture.

The following table lists the specific evaluation criteria and has been arranged in a matrix indicating, for each criterion, whether it will be applied predominantly in Phase I, Phase II, or both Phases. If a criterion is marked for both Phase I and Phase II, this means that only preliminary data will be required at the end of Phase I, with final data being delivered in Phase II.

| | Phase I architecture evaluation/phase II downselect | Phase II architecture evaluation |
|---|---|-------------------------------------|
| Technical/performance: | | |
| Support of IVHS user services across the three operational scenarios | X | |
| System flexibility and expandability (modular design) | X | |
| Performance of variously equipped vehicle | | X |
| Support for multiple levels of functions—the architecture should support a range of designs, both in function and cost. | X | |
| Incremental installation and evolutionary growth. | X | X |
| System safety—both in-vehicle and among infrastructure | | X |
| Operational characteristics | X | X |
| Accuracy of traffic prediction models. | | |
| Efficiency of traffic control systems. | | |
| Efficiency of route calculations. | | |
| Accuracy of position location. | | |
| Effectiveness of information delivery methods. | | |
| Adequacy of communications system capacity. | | |
| Level of detail of map data bases/accuracy. | | |
| Security safeguards—both system security and information security | | X |
| Operational: | | |
| System reliability and maintainability | X | X |
| Performance in diverse terrain/structures. Performance in poor weather. | | |
| Ease of updating databases (maps, historical data, etc.). | | |
| Ability to upgrade system while it remains operational (is there sufficient redundancy to avoid losing critical system capabilities during upgrades?). | | |
| System safety and availability during degraded mode operation | X | X |
| Capability during invehicle failure. | | |
| Capability during communication failure. | | |
| Capability during TMC failure. | | |
| Cost: | | |
| Vehicle capital | X | X |
| Vehicle operating/maintenance | X | X |
| Communication system capital | X | X |
| Communication system operating/maintenance | X | X |
| Traffic management capital | X | X |
| Traffic management operating/maintenance | X | X |
| Potential methods of distributing capital costs (i.e., who pays for equipment and services) | X | X |
| Risk: | | |
| Equipment or service not being provided | X | |
| Communication system risks. | | |
| Other system risks. | | |
| Service not implemented by traffic managers | | X |
| Complexity of TMC risk. | | |
| Timeliness of information. | | |
| Failing to meet jurisdictional interest risk. | | |
| Service not purchased or used by vehicle operators | | X |
| Technology places limits on size of market | X | |
| Outbound communications. | | |
| Inbound communications. | | |
| Potential market acceptance | | X |
| Penetration levels for effective performance | | X |
| Human factors: | | |
| Ease of use | X | X |
| User acceptance | X | X |
| Benefits: | | |
| Travel time reduction | X | X |
| Congestion reduction | X | X |
| Net safety improvements | | X |
| Reduction in vehicle miles traveled | | X |
| Automobile emissions reduction | | X |
| Reduction in energy consumption | | X |
| Ability to provide benefits to all levels of market penetration | X | |
| Institutional issues: | | |
| Potential user acceptance of IVHS technology | | X |
| Equitable allocation of costs and benefits | X | |
| Ability to support pay for use | | X |
| First user benefits | X | |
| Expected market penetration | | X |
| Legal issues (liability, anti-trust, etc.) | | X |
| Privacy issues | | X |
| Inter-jurisdictional issues—does architecture support interjurisdictional communication/coordination | X | X |

Attachment 4: Critical Issues and Questions

The following paragraphs identify some major issues regarding the system architecture development process that need resolution before the eventual

Request for Proposal is published. Although your responses to any and all aspects of this RFI are welcomed and encouraged, the following represent the more critical outstanding issues. We request that your responses to these

specific questions be as frank and detailed as possible.

1. Should joint reviews be held in which all contractor teams are present or should each contractor present its material separately so as to maintain

confidentiality? What material is considered acceptable/unacceptable for sharing?

2. With respect to the sharing of information among contractors please address the following concerns:

(a) Contractors may be hesitant to share their best ideas for fear they will be absorbed into another team's approach.

(b) Contractors may not be frank in pointing out weaknesses of other teams' work until nearing the down-selection phase.

3. Please provide comments on the proposed Statement of Work.

(a) Are there other task areas other than those listed that should be considered?

(b) Are the architecture definition and evaluation tasks focused at the proper level of detail?

(c) Is the scope of the study proper for the time allocated on the schedule?

(d) Should the SOW identify performance parameters? If so, to what level?

4. With regard to the user services:

(a) Should the user services provide the sole basis for architecture definition and evaluation?

(b) Is the list of services reasonable and complete?

(c) Should there be any changes, such as additions, deletions, or more detailed descriptions? Include a brief justification for any proposed modification to the draft list.

5. It is intended that the government-furnished scenarios and/or performance parameters will be based on actual

specific metropolitan, rural, and inter-urban areas.

(a) What level of "real-world" detail is considered necessary and sufficient to allow the individual study teams to work from a common basis for architecture definition and quantitative evaluation?

(b) How many unique scenarios do you envision will be needed to characterize a full range of IVHS applications in urban and rural settings?

(c) A common simulation scenario should be used by each team in evaluating its architecture, so as to allow reasonable comparison of results. We are considering using an urban scenario, simulating a snapshot of the architecture at the 5 year time frame. Do you have any suggestions or recommendations for an alternative common simulation scenario?

(d) Which parameters other than those listed in Task B3 should be in the scenarios?

6. During the project, each contractor team will be required to define a representative IVHS system design that will be used to validate elements of the architecture and to provide a basis for detailed performance evaluations and cost studies during the second year of the project. Which specific areas (or elements) of the architecture should be modeled? How? To what level of detail?

7. Would the use of a standard reference model architecture (as discussed in some IVHS technical papers) be useful? If so, for what should it be used and who should define it?

8. Inputs are solicited regarding the availability of performance and cost models (or evaluation frameworks) that may be applicable to support analysis of key elements of the architectures in both Phase I and Phase II. Please identify the specific areas of applicability, the strengths and weaknesses of the models as well as the amount of modification or enhancement needed to apply them to this effort.

9. What government-furnished information needs to be provided?

10. Is the set of Phase I and II evaluation criteria complete? Is the breakdown between the phases appropriate?

11. Would a DOT technical reference center be adequate for providing contractors access to relevant reference materials such as technical papers and studies?

12. What would be the expected level of effort for each phase in terms of person-months?

13. Are the deliverables, as listed, considered to be a comprehensive set? What others should be included?

14. All data developed under this government-funded effort will be considered public domain. Does this raise any concerns?

15. Address any other area(s) of concern.

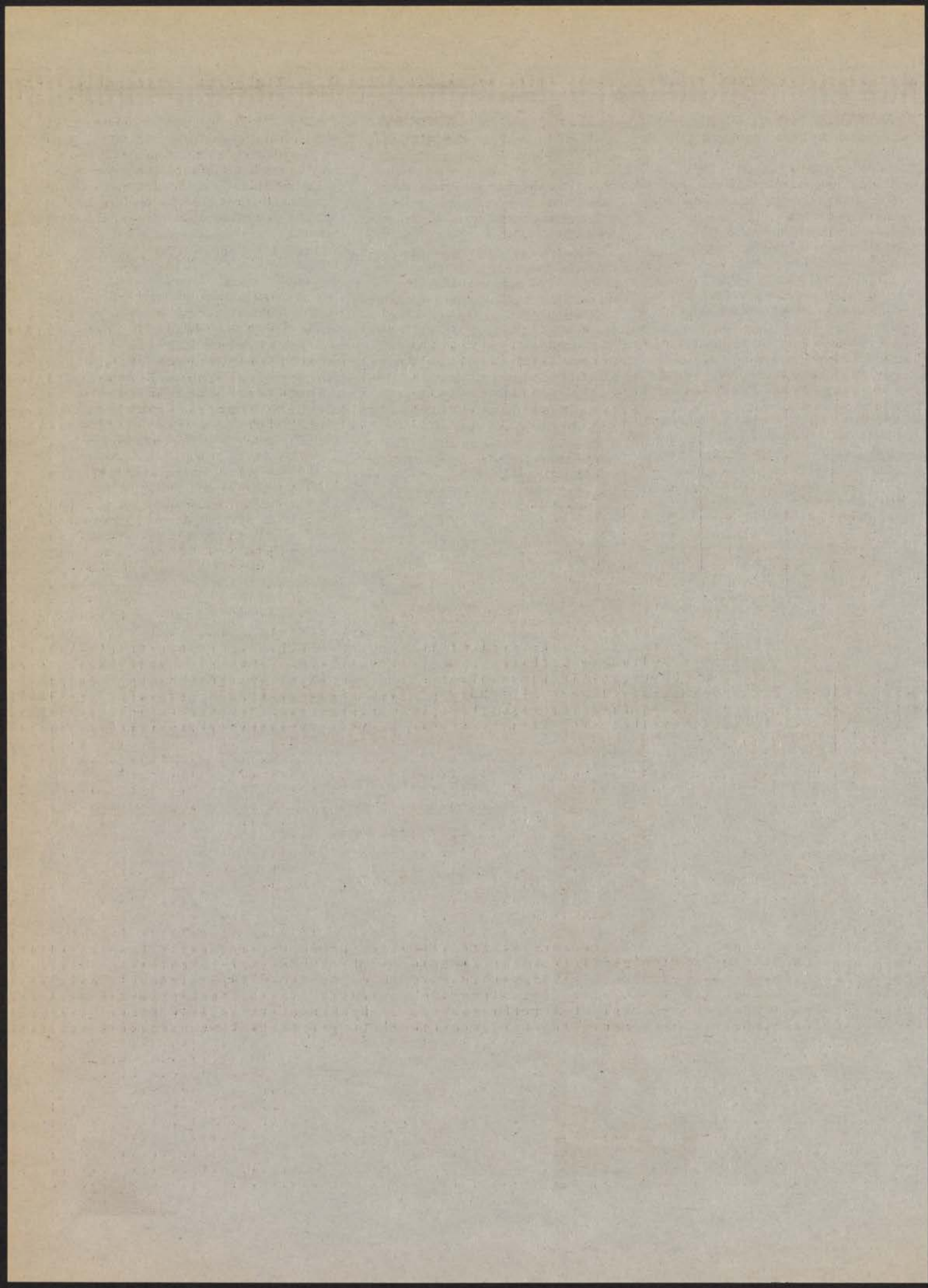
(23 U.S.C. 315; 49 CFR 1.48)

Issued on: August 20, 1992.

T. D. Larson,
Administrator.

[FR Doc. 92-20518 Filed 8-26-92; 8:45 am]

BILLING CODE 4910-22-M



Federal Register

**Thursday
August 27, 1992**

Part VI

Department of Education

34 CFR Part 200

**Chapter 1 Program in Local Educational
Agencies; Final Rule**

DEPARTMENT OF EDUCATION

34 CFR Part 200

RIN: 1810-AA61

Chapter 1—Program in Local Educational Agencies

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The U.S. Secretary of Education (Secretary) amends the regulations governing part A of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (ESEA), as amended (Chapter 1). The regulations will (1) assist a local educational agency (LEA) in implementing Chapter 1 programs that serve children in local institutions for neglected or delinquent (N or D) children, including those in adult correctional institutions; (2) allow an LEA to serve non-Chapter 1 children on an incidental basis in its Chapter 1 project; and (3) assist an LEA in implementing Chapter 1 programs to serve educationally deprived homeless children.

These provisions support the President's AMERICA 2000 strategy for achieving the National Educational Goals in two important ways. By providing guidance on how better to serve the needs of N or D children and homeless children, these provisions will help ensure that all children are afforded the educational opportunities needed to reach the high levels of achievement envisioned in the National Education Goals. In addition, the provisions to allow non-Chapter 1 students to participate in Chapter 1 programs under certain circumstances will enhance the ability of schools to operate programs and use resources more effectively to raise achievement levels of educationally deprived students and, in some instances, to better coordinate Chapter 1 with the regular program.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the *Federal Register* or later if the Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person. A document announcing the effective date will be published in the *Federal Register*.

FOR FURTHER INFORMATION CONTACT: Wendy Jo New, Compensatory Education Programs, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW. (room 2043),

Washington, DC 20202-6132. Telephone: (202) 401-0701. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 (in the Washington, DC 202 area code, telephone 708-9300) between 8 a.m. and 7 p.m., Eastern time.

SUPPLEMENTARY INFORMATION: On May 26, 1992, the Secretary published a notice of proposed rulemaking (NPRM) in the *Federal Register* (57 FR 21916-21918), which proposed changes to the Chapter 1 regulations in three significant areas—services to children in institutions for N or D children; services to homeless children; and incidental inclusion of non-Chapter 1 children. These changes were proposed to increase flexibility for LEAs operating Chapter 1 programs. Except for a minor revision to § 200.20(a)(10)(i)(B), which makes clear the persons identified are merely examples of institutional staff with whom it may be appropriate to consult regarding local N or D children, the final regulations include all changes proposed in the NPRM.

Local N or D Children

With respect to services for children in local institutions for N or D children, the regulations amend the definition of "educationally deprived children" in § 200.6 to include children who reside in local institutions for N or D children and in adult correctional institutions; amend § 200.20 to require an LEA to assure in its project application that Chapter 1 services are designed and implemented in consultation with staff in local institutions for N or D children, such as instructional and support staff and staff serving as parents; amend § 200.34 pertaining to parental involvement to clarify that an LEA that provides Chapter 1 services to children who reside in local N or D institutions shall comply, to the extent feasible, with the requirements for the involvement of those children's parents; and amend the evaluation requirements in § 200.35 to clarify that an LEA shall comply, to the extent feasible, with those requirements when evaluating the achievement of local N or D children served by Chapter 1 and, if compliance is not feasible, shall base its evaluation on the desired outcomes established for those children.

Incidental Inclusion of Non-Chapter 1 Children

The Secretary recognizes that, because of the instructional method, setting, or time of a particular Chapter 1 service, it is not always reasonable or desirable for an LEA to serve only children who have been selected to participate in a Chapter 1 project. This may be particularly true if an LEA is

providing Chapter 1 services in the regular classroom. Therefore, these regulations allow an LEA to provide, on an incidental basis, Chapter 1 services to children who have not been selected to participate in the LEA's Chapter 1 program. This would be allowable only if the Chapter 1 project is designed to meet the special educational needs of educationally deprived children and is focused on those children, and only if the inclusion on non-Chapter 1 children does not decrease the amount, duration, or quality of Chapter 1 services for Chapter 1 children, increase the cost of providing the services, or result in the exclusion of children who would otherwise receive Chapter 1 services. This provision is added in § 200.31(d).

The Secretary believes that this provision will allow LEAs to take advantage of a wider range of instructional options in order to meet the educational needs of educationally deprived children more effectively. Incidental inclusion will also allow LEAs to align the Chapter 1 program more closely with the regular program of instruction and reduce the isolation of Chapter 1 children from their peers.

Homeless Children

Under section 722(e)(5) of the Stewart B. McKinney Homeless Assistance Act, a State receiving funds under that Act is required to include in its State plan a provision to ensure that "[e]ach homeless child shall be provided services comparable to services offered other students in the school . . . including educational services for which the child meets the eligibility criteria, such as compensatory educational programs for the disadvantaged. . . . Homeless children, by definition, do not have a fixed, regular, and adequate night-time residence. Those children, therefore, cannot meet the basic Chapter 1 eligibility requirement that they reside in a project area to receive Chapter 1 services. To remedy this problem, the regulations amend § 200.31 of the Chapter 1 regulations to make educationally deprived homeless children eligible for Chapter 1 services without regard to their area of residence. In addition, the regulations require an LEA to identify all educationally deprived homeless children in the LEA. If those children attend Chapter 1 project schools, they would be selected for services on the same basis as other educationally deprived children in those schools. Because of the extraordinary needs of homeless children, the regulations also allow an LEA to provide Chapter 1 services to educationally deprived

homeless children who do not attend Chapter 1 project schools.

Analysis of Comments and Changes

In response to the Secretary's invitation in the NPRM, 40 parties submitted comments on the proposed regulations. An analysis of the comments is published as an appendix to these final regulations. Except for the minor revision previously summarized, there are no differences between the NPRM and these final regulations.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

List of Subjects in 34 CFR Part 200

Administrative practice and procedure, Education of disadvantaged, Elementary and secondary education, Grant programs—education, Juvenile delinquency, Neglected, Private schools, Reporting and recordkeeping requirements, State-administered programs.

Dated: August 11, 1992.

Lamar Alexander,
Secretary of Education.

(Catalog of Federal Domestic Assistance Numbers: 84.010 Chapter 1 Program in Local Educational Agencies; and 84.012 Chapter 1 Program—State Administration)

The Secretary amends part 200 of title 34 of the Code of Federal Regulations as follows:

PART 200—CHAPTER 1 PROGRAM IN LOCAL EDUCATIONAL AGENCIES

1. The authority citation for part 200 continues to read as follows:

Authority: 20 U.S.C. 2701–2731, 2821–2838, 2851–2854, 2891–2901, unless otherwise noted.

2. Section 200.6 is amended by revising the definition of "Educationally deprived children" in paragraph (c) to read as follows:

§ 200.6 What definitions apply to the Chapter 1 LEA Program?

(c) * * *

Educationally deprived children means children—

(1) Whose educational attainment is below the level that is appropriate of children of their age; or

(2) Who reside in local institutions for neglected or delinquent children, including adult correctional institutions.

3. Section 200.20 is amended by revising paragraph (a)(10)(i)(B), removing the word "and" at the end of paragraph (a)(10)(i)(D), and adding a new paragraph (a)(10)(i)(F) to read as follows:

§ 200.20 How does an LEA apply for a subgrant?

(a) * * *
(10) * * *
(i) * * *

(B) Are designed and implemented in consultation with teachers (including early childhood professionals, pupil services personnel, and librarians, if appropriate) and, for children residing in local institutions for neglected or delinquent children, with institutional officials (such as instructional and support staff, and staff serving as parents);

(F) Provide Chapter 1 services to homeless children, if appropriate; and

4. Section 200.31 is amended by revising paragraphs (b) (1) and (2), by adding new paragraphs (c)(6) and (d) and a parenthetical statement at the end of the section to read as follows:

§ 200.31 How does an LEA identify and select children to participate?

(b) * * *

(1) Identify educationally deprived children, as defined in § 200.6(c), including educationally deprived children in private schools, in all eligible school attendance areas, and educationally deprived homeless children regardless of their residence.

(2) On the basis of information obtained under paragraph (b)(1) of this section, including information concerning educationally deprived children in private schools and educationally deprived homeless children, identify the general instructional areas and grade levels on which the program will focus. Instructional areas and grade levels may vary among and within school attendance areas if the needs assessment data support those variations.

(c) * * *

(6) An LEA may use funds available under this part to serve educationally deprived homeless children who do not attend Chapter 1 project schools.

(d) *Incidental inclusion of non-Chapter 1 children.* An LEA may provide, on an incidental basis, Chapter 1 services to children who have not been selected to participate in the LEA's Chapter 1 project if—

(1) The Chapter 1 project is designed to meet the special educational needs of Chapter 1 children and is focused on those children; and

(2) The LEA is able to demonstrate that the inclusion of non-Chapter 1 children on an incidental basis does not—

(i) Decrease the amount, duration, or quality of Chapter 1 services received by the children who have been selected;

(ii) Increase the cost of providing the services; or

(iii) Result in the exclusion of children who would otherwise receive Chapter 1 services.

(Approved by the Office of Management and Budget under control number 1810-0504)

5. Section 200.34 is amended by adding a new paragraph (a)(4) to read as follows:

§ 200.34 How does an LEA involve parents?

(a) * * *

(4) An LEA that provides Chapter 1 services to children who reside in local institutions for neglected or delinquent children shall comply, to the extent feasible, with the requirements in this section.

6. Section 200.35 is amended by redesignating paragraph (a)(3) as (a)(4) and by adding a new paragraph (a)(3) to read as follows:

§ 200.35 What are the requirements for evaluating and reporting project results?

(a) * * *

(3)(i) An LEA that provides Chapter 1 services to children who reside in local institutions for neglected or delinquent children shall comply, to the extent feasible, with the evaluation requirements in paragraph (a) of this section.

(ii) If compliance is not feasible, the LEA shall base its evaluation on the success in meeting desired outcomes the LEA established for the neglected or delinquent children.

Appendix—Analysis of Comments and Changes

(Note: This appendix will not be codified in the Code of Federal Regulations.)

Incidental Inclusion of Non-Chapter 1 Children

Comments: Of the 35 comments on this provision, 31 supported the incidental inclusion of non-Chapter 1 children. Many of the commenters suggested that this change would

facilitate the implementation of Chapter 1 programs operating within regular classrooms. Other commenters supported the change because labeling and isolation of Chapter 1 children would be reduced; a variety of instructional methods could be employed; team-teaching or collaborative teaching arrangements would be less constrained; Chapter 1 could be better aligned with services in the regular classroom; children who do not need full Chapter 1 services could benefit from occasional Chapter 1 lessons; and those students who are no longer eligible to participate in Chapter 1 could be provided a transition period.

Several commenters requested that the regulations be revised to include examples of situations in which incidental inclusion would be acceptable.

Discussion: The Secretary agrees that examples of situations in which it would be appropriate to include non-Chapter 1 children on an incidental basis would be helpful and has provided several examples below. These examples have not been added to the regulations, however, because they do not—and cannot—cover all possible scenarios. The Secretary is concerned that codifying the examples could limit the flexibility afforded by this provision. Additional guidance will be provided in the Chapter 1 Policy Manual.

Example A: A Chapter 1 resource teacher works in the regular classroom to assist individual Chapter 1 students during class. The Chapter 1 teacher who works extensively with the Chapter 1 students may answer questions of non-Chapter 1 students if occasional questions arise (many of which the Chapter 1 children probably share).

Example B: A non-Chapter 1 student who normally does not require additional assistance but is having difficulty grasping a concept may participate in the Chapter 1 program for the period of time that it addresses that particular concept or until the student no longer requires this assistance.

Example C: If a Chapter 1 teacher is working with Chapter 1 students on a particular concept and believes the best instructional approach for teaching this concept would be cooperative learning, it would be acceptable to include non-Chapter 1 participants on the learning teams.

Example D: Eligible private school children are receiving Chapter 1 services in a van parked near the private school. The Chapter 1 program in the van is designed to serve eight children at a time. In the grades to be served, the number of eligible private school children varies from six to eight. The

Chapter 1 teacher is aware of other educationally deprived private school children who do not reside in eligible project areas who could benefit from the Chapter 1 services and fills the program, on an incidental basis, with these children.

Changes: None.

Comment: One commenter opposed to this provision suggested that it would cause a decrease in the amount, duration, or quality of Chapter 1 services received by the children who have been selected, increase the cost of providing the services, and result in the exclusion of children who would otherwise receive Chapter 1 services.

Discussion: Section 200.31(d) specifically prohibits the inclusion of non-Chapter 1 children if that inclusion would cause these results. Furthermore, since the provision first requires the Chapter 1 project to be designed to meet the special educational needs of Chapter 1 children and to be focused on those children, the Secretary believes it sufficiently protects Chapter 1 children from suffering a loss of services due to the incidental inclusion of non-Chapter 1 children.

Changes: None.

Comment: Two commenters suggested that the regulations be revised to clarify that the intent of including non-Chapter 1 children on an incidental basis is only to benefit the Chapter 1 children and improve the Chapter 1 program. One commenter suggested adding another qualifier to § 200.31(d)(2) that would require an LEA to demonstrate that incidental inclusion of non-Chapter 1 children does not result in a reduction of performance gains by Chapter 1 children. Another commenter suggested that participation of non-Chapter 1 children be limited to situations that are solely initiated by the non-Chapter 1 student.

Discussion: As stated in the preamble to these regulations, the intent of permitting incidental inclusion of non-Chapter 1 children is to allow LEAs to take advantage of a wider range of instructional options in order to meet more effectively the educational needs of educationally deprived children, to allow LEAs to align the Chapter 1 program more closely with the regular program of instruction, and to reduce the isolation of Chapter 1 children from their peers. Section 200.31(d) requires, first and foremost, that the Chapter 1 project must be designed to meet the special educational needs of Chapter 1 children and must be focused on those children. Although in many situations the inclusion of non-Chapter 1 children will be designed to benefit the Chapter 1 children, the Secretary does not believe

this will always be the case. [See, e.g., the first, second, and fourth examples above.] Likewise, the Secretary believes that limiting incidental inclusion to student-initiated participation would limit flexibility. The Secretary also believes that § 200.31(d)(2)(i) addresses the issue of performance by requiring the LEA to be able to demonstrate that incidental inclusion of non-Chapter 1 children does not decrease the quality of Chapter 1 services for Chapter 1 participants.

Changes: None.

Comment: One commenter requested that the regulations make clear that non-Chapter 1 children are not to be included in the Chapter 1 program evaluation.

Discussion: Section 200.35 of the Chapter 1 regulations already makes clear that only Chapter 1 children are to be included in Chapter 1 evaluation activities.

Changes: None.

Comment: One commenter opposed the incidental inclusion provision, stating that children enjoy being pulled out for Chapter 1 services and special activities and that Chapter 1 children actually feel more isolated from their peers in the regular classroom when they are not achieving as quickly as their peers.

Discussion: The Secretary believes that the flexibility in this provision allows for a variety of Chapter 1 instructional approaches to address the various needs of Chapter 1 students and complement the regular program. Although many of these approaches may be accomplished within the regular classroom, this provision is not intended to benefit only in-class programs. Rather, if appropriate, non-Chapter 1 children may also be included on an incidental basis in a pull-out program. Further, LEAs are not required under this provision to include non-Chapter 1 children, but are merely allowed to do so if appropriate.

Changes: None.

Comment: One commenter requested that the incidental inclusion provision also apply to Chapter 1 equipment and non-consumable materials.

Discussion: The allowable use of Chapter 1 equipment for non-Chapter 1 activities is addressed in the Chapter 1 Policy Manual. The Secretary recognizes that under some circumstances, equipment purchased as part of a properly designed Chapter 1 project may, without constituting an improper expenditure, be used on a less than full-time basis. If the equipment could be made available for other educational uses without interfering with its use in

the Chapter 1 project or significantly shortening its useful life, the Secretary would have no objection to the non-Chapter 1 use. Absent actual evidence to the contrary, the use of Chapter 1 equipment in non-Chapter 1 activities is presumed to be proper if that use does not exceed 10 percent of the time the equipment is used in Chapter 1 activities. However, use above that amount may be reasonable if the other standards are met on a case-by-case basis.

Changes: None.

Local N or D Children

Comment: One commenter interpreted the changes in § 200.35(a)(3) as adding unrealistic expectations for evaluating Chapter 1 services provided to children in local institutions for N or D children and suggested the evaluation standards for the Chapter 1 States neglected or delinquent program be used.

Discussion: Section 200.35(a)(3) was added to address the difficulty LEAs may have evaluating local N or D children in accordance with § 200.35(a), which requires the use of nationally normed pre- and post-tests. As a result, § 200.35(a)(3)(i) requires LEAs to comply, to the extent feasible, with the evaluation requirements in § 200.35(a). Section 200.35(a)(3)(ii) makes clear, however, that LEAs that cannot comply must still evaluate N or D children based on their success in meeting the desired outcomes established for those children.

Changes: None.

Comment: One commenter expressed concern about the proposed changes in the parental involvement regulations, stating that many N or D children are under protective custody, and parental involvement may not always be in the best interest of the child.

Discussion: Section 200.34(a)(4) was added because of the difficulty LEAs may have in complying with the Chapter 1 parental involvement requirements for the reasons cited by the commenter. Thus, with respect to local N or D children, LEAs are required under § 200.34(a)(4) to comply, only to the extent feasible, with the parental involvement requirements.

Changes: None.

Comment: One commenter suggested that § 200.20(a)(10)(i)(B) not specify with whom the LEA must consult in the design and implementation of Chapter 1 services for children in local N or D institutions. The commenter interpreted the proposed change as mandating consultation with certain staff of N or D institutions. The commenter suggested that this decision is best left to local agencies.

Discussion: The Secretary did not intend to mandate consultation with specific persons. Rather, the Secretary intended to include examples of institutional staff with whom consultation may be appropriate. To eliminate any confusion, the Secretary has modified the parenthetical phrase in § 200.20(a)(10)(i)(B) to make clear that the persons identified are merely examples of institutional staff with whom it may be appropriate to consult.

Changes: The parenthetical phrase in § 200.20(a)(10)(i)(B) has been changed by replacing "including" with "such as" and now reads "(such as instructional and support staff, and staff serving as parents)."

Homeless Children

Comment: One commenter suggested that the regulations specifically require LEAs to assess homeless children to determine if they are educationally deprived.

Discussion: The Secretary has amended § 200.31(b)(1) specifically to require LEAs to identify educationally deprived homeless children in all school attendance areas of the LEA.

Changes: None.

Comment: The commenter suggested that the definition of homeless children is subject to various interpretations at the State and local levels.

Discussion: The definition of homeless individuals is included in section 103(a) of the Stewart B. McKinney Homeless Assistance Act. The term "homeless" is defined as including—

(1) An individual who lacks a fixed, regular, and adequate nighttime residence; and

(2) An individual who has a primary nighttime residence that is—

(A) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);

(B) An institution that provides a temporary residence for individuals intended to be institutionalized; or

(C) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Section 103(c) excludes from the definition of homeless "any individual imprisoned or otherwise detained pursuant to an Act of Congress or a State law." To promote consistent interpretation of the definition across the States, the Secretary, in August, 1989, issued guidance on this issue. Copies of this guidance are available from each State coordinator for the

education of homeless children and youth.

Changes: None.

Comment: Two commenters suggested deleting the references to homeless children in § 200.31(b)(1) and (2). One of the commenters recommended that the language in the application assurances was sufficient; the other commenter recommended that the language in § 200.31(c)(6) be revised to encompass the language regarding homeless children's lack of residence.

Discussion: The Secretary recognizes that an LEA may not take advantage of the flexibility to provide Chapter 1 services to homeless children if the LEA is unaware of which homeless children are educationally deprived or where they attend school. As a result, the Secretary believes it is necessary to include the requirement in § 200.31(b)(1)-(2) that LEAs identify educationally deprived homeless children and consider their needs in planning Chapter 1 programs.

Changes: None.

Comment: One commenter asked what the purpose of the count of homeless children is and whether that count justifies the burden of collecting this information.

Discussion: The purpose of § 200.31(b)(1), which requires LEAs to identify educationally deprived homeless children in all school attendance areas, is not to get a count of homeless children. Rather, it is to identify homeless children who are educationally deprived and therefore eligible for Chapter 1 services. This requirement should not entail additional burden for LEAs since section 722(d) of the Stewart B. McKinney Homeless Assistance Act requires a State to gather data on the number and location of homeless children and youth in the State, and section 722(e) requires a State to ensure that homeless children are provided services that are comparable to services offered to other students in its schools.

Changes: None.

Comment: One commenter asked whether, similar to children in local neglected or delinquent institutions, the transiency of homeless children would make it difficult for LEAs to comply with the Chapter 1 evaluation requirements.

Discussion: Although there is transiency among homeless children, this is also true of non-homeless children. So long as Chapter 1 homeless children remain in the same LEA, the LEA must assess their progress.

Changes: None.

Comment: One commenter suggested that homeless shelters, like local

institutions for neglected or delinquent children, be classified as institutions so that the needs assessment procedures would not be necessary and all

homeless students could immediately receive Chapter 1 services.

Discussion: The Secretary is not authorized by the statute to designate homeless shelters as suggested.

Changes: None.

[FR Doc. 92-20591 Filed 8-24-92; 5:03 pm]

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Federal Register

Thursday
August 27, 1992

Part VII

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Early Seasons
and Bag and Possession Limits for
Certain Migratory Game Birds; Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018-AA24

Migratory Bird Hunting; Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands**AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Final rule.

SUMMARY: This rule prescribes the hunting seasons, hours, areas, and daily bag and possession limits of mourning, white-winged, and white-tipped doves; band-tailed pigeons; rails; moorhens and gallinules; woodcock; common snipe; sandhill cranes; sea ducks; early (September) waterfowl seasons; migratory game birds in Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and some extended falconry seasons. Taking of migratory birds is prohibited unless specifically provided for by annual regulations. This rule will permit taking of designated species during the 1992-93 season.

EFFECTIVE DATES: August 27, 1992.

FOR FURTHER INFORMATION CONTACT: Thomas J. Dwyer, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, room 634—Arlington Square, Washington, DC 20240 (703) 358-1714.

SUPPLEMENTARY INFORMATION:**Regulations Schedule for 1992**

On May 8, 1992, the Service published for public comment in the *Federal Register* (57 FR 19865) a proposal to amend 50 CFR part 20, with comment periods ending July 20, 1992, for early-season proposals and August 31, 1992, for late-season proposals. On June 19, 1992, the Service published for public comment a second document (57 FR 27672) which provided supplemental proposals for early- and late-season migratory bird hunting regulations frameworks. On June 25, 1992, a public hearing was held in Washington, DC, as announced in the May 8 and June 19 *Federal Registers* to review the status of migratory shore and upland game birds. Proposed hunting regulations were discussed for these species and for other early seasons. On July 10, 1992, the Service published in the *Federal Register* (57 FR 30884) a third document in the series of proposed, supplemental, and final rulemaking documents which

dealt specifically with proposed early-season frameworks for the 1992-93 season. On August 6, 1992, a public hearing was held in Washington, DC, as announced in the *Federal Registers* of May 8, June 19, and July 10, 1992, to review the status of waterfowl. Proposed hunting regulations were discussed for these late seasons. On August 21, 1992, the Service published a fourth document (57 FR 38202) containing final frameworks for early migratory bird hunting seasons from which wildlife conservation agency officials from the States, Puerto Rico, and the Virgin Islands selected early-season hunting dates, hours, areas, and limits for 1992-93. The fifth document in the series, published August 21, 1992 (57 FR 38215), dealt specifically with proposed frameworks for the 1992-93 late-season migratory bird hunting regulations. The final rule described here is the sixth in the series of proposed, supplemental, and final rulemaking documents for migratory game bird hunting regulations and deals specifically with amending subpart K of 50 CFR 20 to set hunting seasons, hours, areas, and limits for mourning, white-winged, and white-tipped doves; band-tailed pigeons; rails; moorhens and gallinules; woodcock; common snipe; sandhill cranes; sea ducks; early (September) waterfowl seasons; mourning doves in Hawaii; migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; and some extended falconry seasons.

NEPA Consideration

NEPA considerations are covered by the programmatic document, "Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FSES 88-14)," filed with EPA on June 9, 1988. Notice of Availability was published in the *Federal Register* on June 16, 1988 (53 FR 22582). The Service's Record of Decision was published on August 18, 1988 (53 FR 31341). Copies of these documents are available from the Service at the address indicated under the caption **ADDRESSES**.

Endangered Species Act Consideration

On July 2, 1992, the Division of Endangered Species concluded that the proposed action is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of their critical habitats. Hunting regulations are designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of

endangered and threatened species and their habitats. The Service's biological opinions resulting from its consultation under Section 7 are considered public documents and are available for inspection in the Division of Endangered Species and the Office of Migratory Bird Management.

Regulatory Flexibility Act; Executive Orders 12291, 12612, 12630, and 12778; and the Paperwork Reduction Act

In the May 8 *Federal Register*, the Service reported measures it had undertaken to comply with requirements of the Regulatory Flexibility Act and Executive Order 12291. These included preparing a Determination of Effects and an updated Final Regulatory Impact Analysis, and publishing a summary of the latter. These regulations have been determined to be major under Executive Order 12291 and they have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act. It has been determined that these rules will not involve the taking of any constitutionally protected property rights, under Executive Order 12630, and will not have any significant federalism effects, under Executive Order 12612. The Department of the Interior has certified to the Office of Management and Budget that these proposed regulations meet the applicable standards provided in sections 2(a) and 2(b)(2) of Executive Order 12778. These determinations are detailed in the aforementioned documents which are available upon request from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, room 634—Arlington Square, Department of the Interior, Washington, DC 20240. These regulations contain no information collections subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980.

Memorandum of Law

The Service published its Memorandum of Law, required by Section 4 of Executive Order 12291, in the *Federal Register* dated August 21, 1992 (57 FR 38202).

Authorship

The primary authors of this rule are David F. Caithamer and William O. Vogel, Office of Migratory Bird Management.

Regulations Promulgation

The rulemaking process for migratory game bird hunting must, by its nature, operate under severe time constraints. However, the Service intends that the

public be given the greatest possible opportunity to comment on the regulations. Thus, when the preliminary proposed rulemaking was published, the Service established what it believed were the longest periods possible for public comment. In doing this, the Service recognized that when the comment period closed time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the States and Territories would have insufficient time to establish and publicize the necessary regulations and procedures to implement their decisions. The Service therefore finds that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these regulations

will, therefore, take effect immediately upon publication.

Accordingly, with each conservation agency having had an opportunity to participate in selecting the hunting seasons desired for its State or Territory on those species of migratory birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, certain sections of title 50, chapter I, subchapter B, part 20, subpart K, are hereby amended as set forth below.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Dated: August 18, 1992.

Mike Hayden,

Assistant Secretary for Fish and Wildlife and Parks.

PART 20—[AMENDED]

For the reasons set out in the preamble, title 50, chapter I, subchapter B, part 20, subpart K, is amended as follows.

1. The authority citation for part 20 continues to read as follows:

Authority: Migratory Bird Treaty Act of July 3, 1918, as amended, (16 U.S.C. 703–712) and the Fish and Wildlife Service Act of August 8, 1956, as amended, (16 U.S.C. 742 a–d and e–j).

BILLING CODE 4310–55–F

(b) Virgin Islands

| | Season Dates | Limits | |
|---------------|------------------|--------|------------|
| | | Bag | Possession |
| Zenaida doves | Sept. 1-Sept. 30 | 10 | 10 |
| Ducks | Jan. 1-Jan. 31 | 3 | 6 |

Restrictions: In the Virgin Islands, the seasons are closed for ground or quail doves, pigeons, ruddy duck (*Oxyura jamaicensis*), white-cheeked pintail (*Anas bahamensis*), West Indian whistling (tree) duck (*Dendrocygna arborea*), fulvous whistling (tree) duck (*Dendrocygna bicolor*), masked duck (*Oxyura dominica*), and purple gallinule (*Porphyrio martinica*).

Closed Areas: Ruth Cay, just south of St. Croix, is closed to the hunting of migratory game birds.

3. Section 20.102 is revised to read as follows:

§20.102 Seasons, limits, and shooting hours for Alaska.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset. Area descriptions were published in the August 21, 1992, Federal Register (57 FR 38202).

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS, INCLUDING AREA DESCRIPTIONS.

| Area | Season Dates |
|----------------------------------|-----------------|
| North Zone | Sept. 1-Dec. 16 |
| Gulf Coast Zone | Sept. 1-Dec. 16 |
| Southeast Zone | Sept. 1-Dec. 16 |
| Pribilof & Aleutian Islands Zone | Oct. 8-Jan. 22 |
| Kodiak Zone | Oct. 8-Jan. 22 |

Note - The following annual hunting regulations provided for by §§20.101 through 20.106 and 20.109 of 50 CFR 20 will not appear in the Code of Federal Regulations because of their seasonal nature.

2. Section 20.101 is revised to read as follows:

§20.101 Seasons, limits, and shooting hours for Puerto Rico and the Virgin Islands

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset.

CHECK COMMONWEALTH REGULATIONS FOR ADDITIONAL RESTRICTIONS, INCLUDING AREA DESCRIPTIONS.

(a) Puerto Rico

| | Season Dates | Limits | |
|---|----------------------------------|--------|------------|
| | | Bag | Possession |
| Doves and Pigeons | | 10 | 10 |
| Zenaida, white-winged, and mourning doves | Sept. 5-Nov. 2 | 10 | 10 |
| Scaly-naped pigeons | Sept. 5-Nov. 2 | 5 | 5 |
| Ducks | Nov. 7-Dec. 21 & Jan. 16-Jan. 25 | 3 3 | 6 6 |
| Common Moorhens | Nov. 7-Dec. 21 & Jan. 16-Jan. 25 | 6 6 | 12 12 |
| Common Snipe | Nov. 7-Dec. 21 & Jan. 16-Jan. 25 | 6 6 | 12 12 |

Restrictions: In Puerto Rico, the season is closed on the ruddy duck (*Oxyura jamaicensis*), white-cheeked (Bahama) pintail (*Anas bahamensis*), West Indian whistling (tree) duck (*Dendrocygna arborea*), fulvous whistling (tree) duck (*Dendrocygna bicolor*), masked duck (*Oxyura dominica*), purple gallinule (*Porphyrio martinica*), American coot (*Fulica americana*), and Caribbean coot (*Fulica caribaea*).

Closed Areas: Closed areas are described in the August 21, 1992, Federal Register (57 FR 38202).

4. Section 20.103 is revised to read as follows:

§20.103 Seasons, limits, and shooting hours for mourning and white-winged doves and wild pigeons.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset, except as otherwise noted. Area descriptions were published in the August 21, 1992, Federal Register (57 FR 38202).

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS, INCLUDING AREA DESCRIPTIONS.

(a) Doves

Note: Unless otherwise specified, the seasons listed below are for mourning doves only.

| | Season Dates | Bag | Limits Possession |
|--|--------------|-----|-------------------|
|--|--------------|-----|-------------------|

EASTERN MANAGEMENT UNIT

Alabama

North Zone 12 noon to sunset 15 15

South Zone 12 noon to sunset 12 12

12 noon to sunset 12 12

12 noon to sunset 12 12

12 noon to sunset 12 12

12 noon to sunset 12 12

12 noon to sunset 12 12

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12 noon to sunset 12 12

Daily Bag and Possession Limits

| Area | Ducks(1) | Geese(2) | Emperor Geese | Brant | Common Snipe | Sandhill Cranes(3) |
|------------------------------------|----------|----------|---------------|-------|--------------|--------------------|
| North Zone | 8-24 | 6-12 | Closed | 2-4 | 8-16 | 3-6 |
| Gulf Coast Zone | 6-18 | 6-12 | Closed | 2-4 | 8-16 | 2-4 |
| Southeast Zone | 5-15 | 6-12 | Closed | 2-4 | 8-16 | 2-4 |
| Pribilof and Aleutian Islands Zone | 5-15 | 6-12 | Closed | 2-4 | 8-16 | 2-4 |
| Kodiak Zone | 5-15 | 6-12 | Closed | 2-4 | 8-16 | 2-4 |

(1) In State Game Management Units (Units 1-26 (Statewide)), the basic bag limits may include not more than 2 pintails daily and 6 in possession, and 1 canvasback daily and 3 in possession. In addition to the basic daily bag and possession limits, a daily bag limit of 15 and a possession limit of 30 is permitted singly or in the aggregate of the following species: scoter, king and common eider, oldsquaw, harlequin ducks, and common and red-breasted mergansers. The season is closed for Steller's and spectacled eiders. In Units 6(D) and 7, the season for harlequin ducks will not open until October 1.

(2) No more than 4 daily, or 8 in possession, may be any combination of Canada and/or white-fronted geese, provided that: in Units 1-9 and 14-18, no more than 2 daily, or 4 in possession, may be white-fronted geese. In Units 5 and 6, the taking of Canada geese is only permitted from September 21 through December 16. In Units 8, 9(E), 10 (except Unimak Island) and 18, the taking of Canada geese is prohibited. In Unit 1(C), the taking of snow geese is prohibited. In Units 1-26 (Statewide), the taking of Aleutian and cackling Canada geese and emperor geese is prohibited.

(3) In Unit 17, the daily bag limit for sandhill cranes is 2 and the possession limit is 4.

Falconry: The total combined bag and possession limit for migratory game birds taken with the use of a falcon under a falconry permit is 3 per day and 6 in possession and may not exceed a more restrictive limit for any species listed in this subsection.

Special Tundra Swan Season: In Unit 22, there will be a tundra swan season from September 1 through October 30 with a season limit of 1 tundra swan per hunter. This season is by registration permit only. Up to 300 permits may be issued.

| | | | Limits | |
|--|----------------|---|--------|------------|
| | | | Bag | Possession |
| Season Dates | | | | |
| Sept. 5-Sept. 20 & Oct. 17-Nov. 9 & Dec. 26-Jan. 14 | Mississippi | | 15 | 30 |
| Sept. 5 | North Carolina | 12 noon to sunset 1/2 hour before sunrise to sunset | 12 | 24 |
| Sept. 6-Oct. 3 & Nov. 23-Nov. 28 & Dec. 12-Jan. 15 | | | 12 | 24 |
| Sept. 1-Oct. 10 | Pennsylvania | 12 noon to sunset 1/2 hour before sunrise to sunset | 12 | 24 |
| Oct. 31-Nov. 28 | | | 12 | 24 |
| Sept. 21-Oct. 4 | Rhode Island | 12 noon to sunset 1/2 hour before sunrise to sunset | 12 | 24 |
| Oct. 17-Nov. 22 & Dec. 26-Jan. 13 | | | 12 | 24 |
| Sept. 5-Oct. 10 & Nov. 21-Nov. 28 & Dec. 19-Jan. 13 | South Carolina | | 12 | 24 |
| Sept. 1 | Tennessee | 12 noon to sunset 1/2 hour before sunrise to sunset | 15 | 30 |
| Sept. 2-Sept. 27 & Oct. 10-Oct. 24 & Dec. 23-Jan. 9 | | | 15 | 30 |
| Sept. 6-Nov. 4 | Virginia | 12 noon to sunset 1/2 hour before sunrise to sunset | 12 | 24 |
| Dec. 14-Dec. 22 | | | 12 | 24 |
| Sept. 1 | West Virginia | 12 noon to sunset 1/2 hour before sunrise to sunset | 12 | 24 |
| Sept. 2-Oct. 10 & Oct. 26-Nov. 7 & Dec. 21-Jan. 6 | | | 12 | 24 |
| Sept. 5 | Georgia | 12 noon to sunset 1/2 hour before sunrise to sunset | 12 | 24 |
| Sept. 6-Oct. 19 & Nov. 26-Nov. 28 & Dec. 25-Jan. 15 | Zone 1 | | 12 | 24 |
| Sept. 26 | Zone 2 | 12 noon to sunset 1/2 hour before sunrise to sunset | 12 | 24 |
| Sept. 27-Oct. 25 & Nov. 26-Nov. 28 & Dec. 10-Jan. 15 | | | 12 | 24 |
| Sept. 1-Oct. 30 | Illinois | 12 noon to sunset | 15 | 30 |
| Sept. 1-Oct. 18 & Nov. 6-Nov. 15 & Nov. 28-Nov. 29 | Indiana | | 15 | 30 |
| Sept. 1-Sept. 30 & Oct. 10-Nov. 2 Nov. 28-Dec. 3 | Kentucky | 11 a.m. to sunset sunrise to sunset | 15 | 30 |
| Sept. 5-Sept. 6 & Oct. 10-Oct. 11 & Dec. 12-Dec. 13 | Louisiana | 12 noon to sunset 1/2 hour before sunrise to sunset | 12 | 24 |
| Sept. 7-Sept. 13 & Oct. 12-Nov. 8 & Dec. 14-Jan. 11 | | | 12 | 24 |
| Sept. 1-Oct. 24 | Maryland | 12 noon to sunset 1/2 hour before sunrise to sunset | 12 | 24 |
| Nov. 18-Nov. 27 & Dec. 21-Dec. 28 | | | 12 | 24 |

| | | Limits | |
|--|--|----------------|----------------|
| Season Dates | Bag | Possession | |
| <u>CENTRAL MANAGEMENT UNIT</u> | | | |
| <u>Arkansas</u> | Sept. 5-Sept. 27 & Oct. 3-Oct. 18 & Dec. 5-Dec. 25 | 15 15 15 | 30 30 30 |
| <u>Colorado</u> | Sept. 1-Oct. 30 | 15 | 30 |
| <u>Kansas</u> | Sept. 1-Oct. 30 | 15 | 30 |
| <u>Missouri</u> | Sept. 1-Oct. 30 | 15 | 30 |
| <u>Montana</u> | Sept. 1-Oct. 30 | 15 | 30 |
| <u>Nebraska</u> | Sept. 1-Oct. 30 | 15 | 30 |
| <u>New Mexico</u> (2) | Sept. 1-Sept. 30 & Dec. 1-Dec. 30 | 15 15 | 30 30 |
| <u>North Dakota</u> | Sept. 1-Oct. 30 | 15 | 30 |
| <u>Oklahoma</u> | Sept. 1-Oct. 30 | 15 | 30 |
| <u>South Dakota</u> (3) | Sept. 1-Oct. 16 | 15 | 30 |
| <u>Texas</u> (4) | Sept. 1-Nov. 9 | 12 | 24 |
| <u>North Zone</u> | | | |
| <u>Central Zone</u> | Sept. 1-Oct. 31 & Jan. 2-Jan. 10 | 12 12 | 24 24 |
| <u>South Zone</u> | Sept. 20-Nov. 8 & Jan. 2-Jan. 17 | 12 12 | 24 24 |
| <u>Special Area</u> (special season) | Sept. 5-Sept. 6 & Sept. 12-Sept. 13 | 10 10 | 20 20 |
| <u>Remainder of the</u> <u>South Zone</u> | Sept. 20-Nov. 12 & Jan. 2-Jan. 17 | 12 12 | 24 24 |
| <u>Wyoming</u> | Sept. 1-Oct. 15 | 15 | 30 |
| <u>WESTERN MANAGEMENT UNIT</u> | | | |
| <u>Arizona</u> (5) | Sept. 1-Sept. 10 & Nov. 22-Jan. 10 | 10 10 | 20 20 |
| <u>California</u> (6) | Sept. 1-Sept. 15 & Nov. 14-Dec. 28 | 10 10 | 20 20 |
| <u>Idaho</u> | Sept. 1-Sept. 30 | 10 | 20 |
| <u>Nevada</u> (6) | Sept. 1-Sept. 30 | 10 | 20 |
| <u>Oregon</u> | Sept. 1-Sept. 30 | 10 | 20 |
| <u>Utah</u> | Sept. 1-Sept. 30 | 10 | 20 |
| <u>Washington</u> | Sept. 1-Sept. 15 | 10 | 20 |
| <u>OTHER POPULATIONS</u> | | | |
| <u>Hawaii</u> (7) | Nov. 7-Jan. 17 | 10 | 20 |
| (1) In Florida, the daily bag limit is 12 mourning and white-winged doves in the aggregate, of which not more than 4 may be white-winged doves. The possession limit is twice the daily bag limit. | | | |
| (2) In New Mexico, the daily bag limit is 15 and the possession limit is 30 mourning and white-winged doves in the aggregate. | | | |
| (3) In South Dakota, shooting hours are from sunrise to sunset. | | | |
| (4) In Texas, the daily bag limit is 12 mourning, white-winged, and white-tipped doves in the aggregate, of which no more than 6 may be white-winged doves and 2 may be white-tipped doves; except in Cameron, Hidalgo, Starr, and Willacy Counties, where the daily bag limit may include no more than 2 white-winged doves. Possession limits are twice the daily bag limit. | | | |
| During the special season in the Special White-winged Dove Area of the South Zone, the daily bag limit is 10 mourning, white-winged, and white-tipped doves in the aggregate, of which no more than 5 may be mourning doves and 2 may be white-tipped doves. Possession limits are twice the daily bag limit. | | | |

(1) In Florida, the daily bag limit is 12 mourning and white-winged doves in the aggregate, of which not more than 4 may be white-winged doves. The possession limit is twice the daily bag limit.

(2) In New Mexico, the daily bag limit is 15 and the possession limit is 30 mourning and white-winged doves in the aggregate.

(3) In South Dakota, shooting hours are from sunrise to sunset.

(4) In Texas, the daily bag limit is 12 mourning, white-winged, and white-tipped doves in the aggregate, of which no more than 6 may be white-winged doves and 2 may be white-tipped doves; except in Cameron, Hidalgo, Starr, and Willacy Counties, where the daily bag limit may include no more than 2 white-winged doves. Possession limits are twice the daily bag limit.

During the special season in the Special White-winged Dove Area of the South Zone, the daily bag limit is 10 mourning, white-winged, and white-tipped doves in the aggregate, of which no more than 5 may be mourning doves and 2 may be white-tipped doves. Possession limits are twice the daily bag limit.

5. Section 20.104 is revised to read as follows:

§20.104 Seasons, limits, and shooting hours for rails, woodcock, and common snipe.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset, except as otherwise noted. Area descriptions were published in the August 21, 1992, Federal Register (57 FR 38202).

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS, INCLUDING AREA DESCRIPTIONS.

Note: States with deferred seasons may select those seasons at the same time they select waterfowl seasons in August. Consult late-season regulations for further information.

| | Rails (Sora & Virginia) | Rails (Clapper & King) | Woodcock | Common Snipe |
|------------------------------|--------------------------------------|--------------------------------------|-------------------------------------|--------------------------------------|
| Daily bag limit | 25 (1) | 15 (2) | 5 (3) | 8 |
| Possession limit | 25 (1) | 30 (2) | 10 (3) | 16 |
| ATLANTIC FLYWAY | | | | |
| Connecticut (4) | Sept. 1-Nov. 9 | Sept. 1-Nov. 9 | Oct. 17-Nov. 30 | Oct. 17-Nov. 30 |
| Delaware | Sept. 1-Nov. 9 | Sept. 1-Nov. 9 | Nov. 23-Jan. 6 | Nov. 23-Jan. 31 |
| Florida | Sept. 1-Sept. 30 & Nov. 25-Jan. 3 | Sept. 1-Sept. 30 & Nov. 25-Jan. 3 | Dec. 12-Jan. 25 | Nov. 1-Feb. 15 |
| Georgia | Sept. 26-Dec. 4 | Sept. 26-Dec. 4 | Nov. 28-Jan. 11 | Nov. 16-Feb. 28 |
| Maine | Sept. 1-Nov. 9 | Closed | Oct. 1-Nov. 14 | Sept. 1-Dec. 16 |
| Maryland | Sept. 1-Nov. 9 | Sept. 1-Nov. 9 | Oct. 14-Nov. 21 & Dec. 7-Dec. 12 | Sept. 28-Nov. 27 & Dec. 7-Jan. 20 |
| Massachusetts | Sept. 1-Nov. 9 | Closed | Oct. 10-Nov. 23 | Sept. 1-Dec. 16 |
| New Hampshire | Closed | Closed | Oct. 1-Nov. 14 | Sept. 15-Nov. 30 |
| New Jersey (5) North Zone | Sept. 1-Nov. 9 | Sept. 1-Nov. 9 | Oct. 10-Nov. 13 | Oct. 2-Jan. 16 |
| South Zone | Sept. 1-Nov. 9 | Sept. 1-Nov. 9 | Nov. 7-Nov. 28 & Dec. 12-Dec. 24 | Oct. 2-Jan. 16 |
| New York (6) | Sept. 1-Nov. 9 | Closed | Oct. 1-Nov. 14 | Sept. 1-Dec. 16 |

(5) In Arizona, during September 1 through 10, the daily bag limit is 10 mourning and white-winged doves in the aggregate, of which no more than 6 may be white-winged doves. During November 22 through January 10, the daily bag limit is 10 mourning doves. The possession limit is twice the daily bag limit. See State regulations for restrictive shooting hours in certain areas.

(6) In the white-winged dove open areas of California and Nevada, the daily bag limit is 10 and the possession limit is 20 mourning and white-winged doves in the aggregate.

(7) In Hawaii, the season is only open on the island of Hawaii. The daily bag limit is 10 mourning and laced doves in the aggregate. The possession limit is twice the daily bag limit. Shooting hours are from one-half hour before sunrise through one-half hour after sunset.

(b) Band-tailed Pigeons

| | Season Dates | Bag | Limits Possession |
|--------------------------|-------------------|-----|----------------------|
| Arizona (1) | Oct. 13-Oct. 22 | 5 | 10 |
| California North Zone | Sept. 19-Sept. 27 | 2 | 2 |
| South Zone | Dec. 19-Dec. 27 | 2 | 2 |
| Colorado | Sept. 1-Sept. 30 | 5 | 10 |
| New Mexico North Zone | Sept. 1-Sept. 20 | 5 | 10 |
| South Zone | Oct. 1-Oct. 20 | 5 | 10 |
| Oregon (2) | Sept. 15-Sept. 23 | 2 | 2 |
| Utah | Sept. 1-Sept. 30 | 5 | 10 |

(1) In Arizona, each hunter must have a special bird permit stamp issued by the State.

(2) In Oregon, a State permit is required.

| | Rails (Sora & Virginia) | Rails (Clapper & King) | Woodcock | Common Snipe |
|----------------------------------|--|--|--------------------------------------|---------------------------------------|
| <u>North Carolina</u> | Sept. 5-Nov. 13 | Sept. 5-Nov. 13 | Dec. 10-Jan. 23 | Nov. 13-Feb. 27 |
| <u>Pennsylvania</u> | Sept. 1-Nov. 7 | Closed | Oct. 23-Nov. 7 | Oct. 23-Nov. 14 |
| <u>Rhode Island</u> | Sept. 14-Nov. 22 | Sept. 14-Nov. 22 | Oct. 17-Nov. 30 | Sept. 14-Nov. 28 & Dec. 14-Jan. 12 |
| <u>South Carolina</u> | Sept. 23-Sept. 30 & Oct. 12-Dec. 12 | Sept. 23-Sept. 30 & Oct. 12-Dec. 12 | Nov. 26-Dec. 12 & Dec. 24-Jan. 20 | Nov. 13-Feb. 27 |
| <u>Vermont</u> | Closed | Closed | Oct. 1-Nov. 14 | Sept. 26-Dec. 4 |
| <u>Virginia</u> | Sept. 19-Nov. 27 | Sept. 19-Nov. 27 | Nov. 2-Nov. 28 & Dec. 16-Jan. 2 | Oct. 17-Jan. 31 |
| <u>West Virginia</u> | Sept. 1-Nov. 8 | Closed | Oct. 17-Nov. 30 | Sept. 1-Dec. 16 |
| <u>MISSISSIPPI FLYWAY</u> | | | | |
| <u>Alabama (7)</u> | Nov. 12-Jan. 20 | Nov. 12-Jan. 20 | Nov. 28-Jan. 31 | Nov. 14-Feb. 28 |
| <u>Arkansas</u> | Sept. 1-Nov. 9 | Closed | Oct. 31-Dec. 13 & Jan. 2-Jan. 22 | Nov. 14-Feb. 28 |
| <u>Illinois</u> | Sept. 1-Nov. 9 | Closed | Oct. 1-Dec. 4 | Sept. 1-Dec. 16 |
| <u>Indiana</u> | Sept. 1-Nov. 9 | Closed | Sept. 26-Nov. 29 | Sept. 1-Dec. 16 |
| <u>Iowa</u> | Sept. 5-Nov. 13 | Closed | Sept. 12-Nov. 15 | Sept. 5-Dec. 20 |
| <u>Kentucky</u> | Sept. 1-Nov. 9 | Closed | Oct. 17-Dec. 20 | Sept. 16-Oct. 30 & Nov. 26-Jan. 25 |
| <u>Louisiana</u> | Sept. 19-Sept. 27 & Nov. 21-Jan. 20 | Sept. 19-Sept. 27 & Nov. 21-Jan. 20 | Nov. 28-Jan. 31 | Nov. 7-Feb. 21 |
| <u>Michigan (8)</u> | Sept. 15-Nov. 14 | Closed | Sept. 15-Nov. 14 | Sept. 15-Nov. 14 |
| <u>Minnesota</u> | Sept. 1-Nov. 4 | Closed | Sept. 1-Nov. 4 | Sept. 1-Nov. 4 |
| <u>Mississippi</u> | Oct. 12-Dec. 20 | Oct. 12-Dec. 20 | Nov. 28-Jan. 31 | Nov. 14-Feb. 28 |
| <u>Missouri</u> | Sept. 1-Nov. 9 | Closed | Oct. 15-Dec. 18 | Sept. 1-Dec. 16 |
| <u>Ohio</u> | Sept. 1-Nov. 9 | Closed | Sept. 25-Nov. 28 | Sept. 1-Nov. 28 & Dec. 7-Dec. 24 |
| <u>Tennessee</u> | Deferred | Closed | Oct. 10-Dec. 13 | Nov. 14-Feb. 28 |
| <u>Wisconsin</u> | Deferred | Closed | Sept. 12-Nov. 15 | Deferred |
| <u>CENTRAL FLYWAY</u> | | | | |
| <u>Colorado</u> | Sept. 1-Nov. 9 | Closed | Closed | Sept. 1-Dec. 16 |
| <u>Kansas</u> | Sept. 1-Nov. 9 | Closed | Oct. 10-Dec. 13 | Sept. 1-Dec. 16 |
| <u>Montana</u> | Closed | Closed | Closed | Sept. 1-Dec. 16 |
| <u>Nebraska (9)</u> | Sept. 1-Nov. 9 | Closed | Sept. 15-Nov. 18 | Sept. 1-Dec. 16 |
| <u>New Mexico (10)</u> Zone 1 | Oct. 17-Nov. 6 & Dec. 19-Jan. 17 | Closed | Closed | Oct. 17-Nov. 6 & Dec. 19-Jan. 17 |
| Zone 2 | Nov. 28-Jan. 17 | Closed | Closed | Nov. 28-Jan. 17 |
| <u>North Dakota</u> | Closed | Closed | Closed | Oct. 3-Nov. 29 |
| <u>Oklahoma</u> | Sept. 1-Nov. 9 | Closed | Oct. 26-Dec. 29 | Oct. 1-Jan. 15 |
| <u>South Dakota (11)</u> | Closed | Closed | Closed | Sept. 1-Oct. 31 |
| <u>Texas</u> | Sept. 1-Nov. 9 | Sept. 1-Nov. 9 | Deferred | Deferred |
| <u>Wyoming</u> | Sept. 13-Nov. 21 | Closed | Closed | Sept. 13-Dec. 16 |
| <u>PACIFIC FLYWAY</u> | | | | |
| <u>Colorado</u> | Sept. 1-Nov. 9 | Closed | Closed | Sept. 1-Dec. 16 |
| <u>Idaho (12)</u> | Closed | Closed | Closed | Sept. 19-Jan. 3 |
| <u>Montana</u> | Closed | Closed | Closed | Sept. 1-Dec. 16 |
| <u>New Mexico (10)</u> | Deferred | Closed | Closed | Deferred |
| <u>Wyoming</u> | Sept. 13-Nov. 21 | Closed | Closed | Sept. 13-Dec. 16 |

(a) Common Moorhens and Purple Gallinules

| | Season Dates | Bag | Limits Possession |
|---------------------------|--|----------|-------------------|
| <u>ATLANTIC FLYWAY</u> | | | |
| <u>Delaware</u> | Sept. 1-Nov. 9 | 15 | 30 |
| <u>Florida (1)</u> | Sept. 1-Sept. 30 & Nov. 25-Jan. 3 | 15 15 | 30 30 |
| <u>Georgia</u> | Deferred | -- | -- |
| <u>Maine</u> | Sept. 1-Nov. 9 | 15 | 30 |
| <u>New Jersey</u> | Sept. 1-Nov. 9 | 15 | 30 |
| <u>New York</u> | | | |
| Long Island | Closed | -- | -- |
| Remainder of State | Sept. 1-Nov. 9 | 15 | 30 |
| <u>North Carolina</u> | Sept. 5-Nov. 13 | 15 | 30 |
| <u>Pennsylvania</u> | Sept. 1-Nov. 7 | 15 | 30 |
| <u>Rhode Island</u> | Sept. 14-Nov. 22 | 15 | 30 |
| <u>South Carolina</u> | Sept. 23-Sept. 30 & Oct. 12-Dec. 12 | 15 15 | 30 30 |
| <u>Virginia</u> | Deferred | -- | -- |
| <u>West Virginia</u> | Deferred | -- | -- |
| <u>MISSISSIPPI FLYWAY</u> | | | |
| <u>Alabama</u> | Nov. 12-Jan. 20 | 15 | 15 |
| <u>Arkansas</u> | Sept. 1-Nov. 9 | 15 | 30 |
| <u>Indiana</u> | Sept. 1-Nov. 9 | 15 | 30 |
| <u>Kentucky</u> | Sept. 1-Nov. 9 | 15 | 30 |
| <u>Louisiana</u> | Sept. 19-Sept. 27 & Nov. 21-Jan. 20 | 15 15 | 30 30 |

Note: For all other States in the Pacific Flyway, snipe seasons have been deferred and no seasons are prescribed for woodcock and rails.

- (1) The bag and possession limits for sora and Virginia rails apply singly or in the aggregate of these species.
- (2) All bag and possession limits for clapper and king rails apply singly or in the aggregate of the two species and, unless otherwise specified, the limits are in addition to the limits on sora and Virginia rails in all States. In Connecticut, Delaware, Maryland, New Jersey, and Rhode Island, the limits for clapper and king rails are 10 daily and 20 in possession.
- (3) In States of the Atlantic Flyway, the woodcock bag limit is 3 daily and 6 in possession.
- (4) In Connecticut, the daily bag limit is 10 and the possession limit is 20 clapper and king rails in the aggregate, of which no more than 1 may be a king rail.
- (5) In New Jersey, the season for king rails is closed by State regulation.
- (6) In New York, the seasons for sora and Virginia rails and common snipe are statewide except on Long Island.
- (7) In Alabama, the rail limits are 15 daily and 15 in possession, singly or in the aggregate.
- (8) In Michigan, the season opens concurrently with the duck season in certain areas.
- (9) In Nebraska, the rail limits are 10 daily and 20 in possession.
- (10) In New Mexico, the rail limits are 10 daily and 10 in possession.
- (11) In South Dakota, the snipe limits are 5 daily and 15 in possession.
- (12) In Idaho, in the Fort Hall Reservation Zone, the snipe season is October 24 through December 21.

6. Section 20.105 is amended by revising paragraphs (a) through (d) to read as follows:

\$20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset, except as otherwise noted. Area descriptions were published in the August 21, 1992, Federal Register (57 FR 38202).

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS, INCLUDING AREA DESCRIPTIONS.

Note: States with deferred seasons may select those seasons at the same time they select waterfowl seasons in August. Consult late-seasons regulations for further information.

(b) Sea Ducks (scoter, eider, and oldsquaw ducks in Atlantic Flyway)

Within the special sea duck areas, the daily bag limit is 7 and the possession limit is 14 scoter, eider, and oldsquaw ducks, singly or in the aggregate. These limits may be in addition to regular duck bag limits only during the regular duck season in the special sea duck hunting areas.

| | Season Dates | Bag | Limits Possession |
|-----------------------|------------------|-----|-------------------|
| <u>Connecticut</u> | Deferred | .. | .. |
| <u>Delaware</u> | Sept. 26-Jan. 9 | 7 | 14 |
| <u>Georgia</u> | Deferred | .. | .. |
| <u>Maine</u> | Deferred | .. | .. |
| <u>Maryland</u> | Deferred | .. | .. |
| <u>Massachusetts</u> | Deferred | .. | .. |
| <u>New Hampshire</u> | Sept. 15-Dec. 30 | 7 | 14 |
| <u>New Jersey</u> | Oct. 2-Jan. 16 | 7 | 14 |
| <u>New York</u> | Deferred | .. | .. |
| <u>North Carolina</u> | Deferred | .. | .. |
| <u>Rhode Island</u> | Deferred | .. | .. |
| <u>South Carolina</u> | Deferred | .. | .. |
| <u>Virginia</u> | Deferred | .. | .. |

Note: Notwithstanding the provisions of this Part 20, the shooting of crippled waterfowl from a motorboat under power will be permitted in Maine, Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, Delaware, Virginia and Maryland in those areas described, delineated, and designated in their respective hunting regulations as special sea duck hunting areas.

| | Season Dates | Bag | Limits Possession |
|-----------------------|-------------------------------------|--------|-------------------|
| <u>Michigan</u> | Deferred | .. | .. |
| <u>Minnesota</u> | Deferred | .. | .. |
| <u>Mississippi</u> | Oct. 12-Dec. 20 | 15 | 30 |
| <u>Ohio</u> | Sept. 1-Nov. 9 | 15 | 30 |
| <u>Tennessee</u> | Deferred | .. | .. |
| <u>Wisconsin</u> | Deferred | .. | .. |
| <u>CENTRAL FLYWAY</u> | | | |
| <u>New Mexico (1)</u> | | | |
| Zone 1 | Oct. 17-Nov. 6 & Dec. 19-Jan. 17 | 1 1 | 2 2 |
| Zone 2 | Nov. 28-Jan. 17 | 1 | 2 |
| <u>Oklahoma</u> | Sept. 1-Nov. 9 | 15 | 30 |
| <u>Texas</u> | Sept. 1-Nov. 9 | 15 | 30 |
| <u>Wyoming</u> | Deferred | .. | .. |
| <u>PACIFIC FLYWAY</u> | | | |
| All States | Deferred | | |

(1) In Florida and New Mexico, the season applies to the common moorhen only. There is no open season on the purple gallinule.

(c) Early (September) Duck Seasons

Note: Unless otherwise specified, the seasons listed below are for teal only.

| | Season Dates | Bag | Limits Possession |
|---------------------------|-------------------|-----|----------------------|
| ATLANTIC FLYWAY | | | |
| Florida (1) | Sept. 26-Sept. 30 | 4 | 8 |
| MISSISSIPPI FLYWAY | | | |
| Alabama | Sept. 12-Sept. 20 | 4 | 8 |
| Arkansas (2) | Sept. 12-Sept. 20 | 4 | 8 |
| Illinois (3) | Sept. 5-Sept. 13 | 4 | 8 |
| Indiana | Sept. 1-Sept. 9 | 4 | 8 |
| Kentucky (4) | Sept. 16-Sept. 20 | 4 | 8 |
| Louisiana | Sept. 19-Sept. 27 | 4 | 8 |
| Mississippi | Sept. 19-Sept. 27 | 4 | 8 |
| Missouri (2) | Sept. 12-Sept. 20 | 4 | 8 |
| Ohio | Sept. 12-Sept. 20 | 4 | 8 |
| Tennessee (4) | Sept. 12-Sept. 16 | 4 | 8 |
| CENTRAL FLYWAY | | | |
| Colorado | Sept. 5-Sept. 13 | 4 | 8 |
| Kansas | Sept. 12-Sept. 20 | 4 | 8 |
| New Mexico | Sept. 5-Sept. 13 | 4 | 8 |
| Oklahoma | Sept. 12-Sept. 20 | 4 | 8 |
| Texas | Sept. 12-Sept. 20 | 4 | 8 |

(1) In Florida, the daily bag limit is 4 wood ducks and teal in the aggregate. The possession limit is twice the daily bag limit.

(2) In Arkansas and Missouri, shooting hours are from sunrise to sunset.

(3) In Illinois, shooting hours are from 7 a.m. until 4 p.m.

(4) In Kentucky and Tennessee, the daily bag limit is 4 wood ducks and teal in the aggregate, of which no more than 2 may be wood ducks. The possession limit is twice the daily bag limit.

(d) Early (September) Canada Goose Seasons

| | Season Dates | Bag | Limits Possession |
|---------------------------|------------------|-----|----------------------|
| ATLANTIC FLYWAY | | | |
| Massachusetts (1) | Sept. 8-Sept. 10 | 5 | 10 |
| New York | | | |
| St. Lawrence Area | Sept. 1-Sept. 10 | 3 | 6 |
| Erie Area | Sept. 1-Sept. 10 | 3 | 6 |
| North Carolina (1) | Sept. 8-Sept. 10 | 2 | 4 |
| Pennsylvania | | | |
| Northwestern Counties | Sept. 1-Sept. 10 | 3 | 6 |
| Southeastern Counties | Sept. 1-Sept. 10 | 5 | 10 |
| MISSISSIPPI FLYWAY | | | |
| Indiana (1) | Sept. 1-Sept. 10 | 5 | 10 |
| Michigan | Sept. 1-Sept. 10 | 5 | 10 |
| Minnesota (2) | Sept. 1-Sept. 10 | 4 | 8 |
| Ohio | Sept. 1-Sept. 10 | 3 | 6 |
| Wisconsin (3) | Sept. 1-Sept. 10 | 5 | 10 |

| | Season Dates | Bag | Limits Possession |
|---|--|--|----------------------|
| <u>CENTRAL FLYWAY</u> | | | |
| <u>Colorado</u> (1) | Oct. 3-Nov. 29 | 3 | 6 |
| <u>Montana</u> | | | |
| Regular season (1) | Sept. 26-Nov. 22 | 3 | 6 |
| Special season (2) | Sept. 12-Sept. 13 & Sept. 19-Sept. 20 | 1 per season 1 per season | |
| <u>New Mexico</u> | | | |
| Regular season (1)(3) | Oct. 17-Jan. 17 | 3 | 6 |
| <u>Middle Rio Grande Valley Special Season Area</u> (2)(3)(4) | | | |
| | Oct. 16-Oct. 18 & Oct. 23-Oct. 25 | 3 3 | 3 3 |
| <u>Hatch-Deming Special Season Area</u> (2)(3)(4) | | | |
| | Jan. 22-Jan. 24 & Jan. 29-Jan. 31 | 3 3 | 3 3 |
| <u>North Dakota</u> (1) | Sept. 5-Nov. 1 | 3 | 6 |
| <u>Oklahoma</u> (1) | Deferred | | |
| <u>South Dakota</u> (1) | Sept. 26-Nov. 1 | 3 | 6 |
| <u>Texas</u> (1) | Deferred | | |
| <u>Wyoming</u> | | | |
| Regular Season (1) | Sept. 15-Nov. 11 | 3 | 6 |
| Riverton-Boysen Unit (2) | Sept. 26-Sept. 27 | 2 | per season |
| <u>PACIFIC FLYWAY</u> | | | |
| <u>Arizona</u> (2) | | | |
| | Nov. 2-Nov. 4 & Nov. 6-Nov. 8 & Nov. 10-Nov. 12 & Nov. 14-Nov. 16 | 2 per season 2 per season 2 per season 2 per season | |
| <u>Wyoming</u> | | | |
| Bear River Area (2) | Sept. 5-Sept. 7 | 2 | per season |
| Salt River Area (2) | Sept. 5-Sept. 7 | 2 | per season |
| Eden-Farson Area (2) | Sept. 5-Sept. 7 | 2 | per season |

PACIFIC FLYWAY

| | Season Dates | Limits | |
|-----------------------|------------------|--------|------------|
| | | Bag | Possession |
| <u>Oregon</u> (1) | Sept. 1-Sept. 10 | 2 | 4 |
| <u>Washington</u> (1) | Sept. 1-Sept. 10 | 2 | 4 |
| <u>Wyoming</u> (1) | Sept. 5-Sept. 7 | 2 | per season |

(1) State permit required.

(2) In Minnesota, the bag and possession limits for Canada geese will be 2 and 4, respectively, in the Fergus Falls/Alexandria Zone and Southwest Border Zone.

(3) In Wisconsin, the season is closed from September 5 through September 7.

7. Section 20.106 is revised to read as follows:

\$20.106 Seasons, limits, and shooting hours for sandhill cranes.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits on the species designated in this section are as follows:

Shooting and Hawking hours are one-half hour before sunrise until sunset, except as otherwise noted. Area descriptions were published in the August 21, 1992, Federal Register (57 FR 38202).

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS, INCLUDING AREA DESCRIPTIONS.

Note: States with deferred seasons may select those seasons at the same time they select waterfowl seasons in August. Consult late-season regulations for further information.

(1) Each hunter participating in a regular sandhill crane hunting season must obtain and carry in his possession while hunting sandhill cranes a valid Federal sandhill crane hunting permit available without cost from conservation agencies in the States where crane hunting seasons are allowed. The permit must be displayed to any authorized law enforcement official upon request.

(2) Hunting in the special seasons is by State permit only.

(3) The seasonal bag limit is 9.

(4) Shooting hours are sunrise to sunset.

8. Section 20.109 is revised to read as follows:

§20.109 Extended seasons, limits, and hours for taking migratory game birds by falconry.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Hawking hours are one-half hour before sunrise until sunset except as otherwise noted. Area descriptions were published in the August 21, 1992, Federal Register (57 FR 38202).

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS, INCLUDING AREA DESCRIPTIONS.

Daily bag limit 3 migratory game birds, singly or in the aggregate.

Possession limit 6 migratory game birds, singly or in the aggregate.

These limits apply to falconry during both regular hunting seasons and extended falconry seasons -- unless further restricted by State regulations. The falconry bag and possession limits are not in addition to regular season limits. Unless otherwise specified, extended falconry for ducks does not include sea ducks within the special sea duck areas. Only extended falconry seasons are shown below. Many States permit falconry during the gun seasons. Please consult State regulations for details.

For ducks, mergansers, coots, geese, and some moorhen seasons; additional season days occurring after September 30 will be published with the late-season selections. Some States have deferred selections. Consult late-season regulations for further information.

Extended Falconry Dates

ATLANTIC FLYWAY

Florida

Mourning and white-winged doves

Oct. 26-Nov. 20 &
Dec. 7-Dec. 11 &
Jan. 11-Jan. 17

Rails and common moorhens

Oct. 19-Nov. 24

Woodcock

Nov. 24-Dec. 11 &
Jan. 26-Mar. 10

Maryland

Mourning doves

Oct. 25-Nov. 17 &
Dec. 8-Dec. 20

Rails

Nov. 10-Dec. 16

Woodcock

Oct. 5-Oct. 13 &
Nov. 22-Dec. 6 &
Dec. 13-Jan. 19

Pennsylvania

Mourning doves

Oct. 11-Oct. 30 &
Nov. 29-Dec. 16

Virginia

Doves

Dec. 23-Jan. 28

Rails

Dec. 14-Jan. 19

Woodcock

Dec. 14-Dec. 15 &
Jan. 3-Mar. 3

MISSISSIPPI FLYWAY

Illinois

Mourning doves

Oct. 31-Dec. 16

Rails

Nov. 10-Dec. 16

Woodcock

Sept. 1-Sept. 30 &
Dec. 5-Dec. 16

| Extended Falconry Dates | | Extended Falconry Dates | |
|-------------------------|--|-------------------------|--|
| <u>Indiana</u> | Mourning doves | <u>Wisconsin</u> | Rails, snipe, moorhens, and gallinules (1) |
| | Woodcock | | Woodcock |
| | | | Ducks, mergansers, and coots (1) |
| | | | |
| <u>Iowa</u> | Rails | <u>CENTRAL FLYWAY</u> | |
| | Woodcock | <u>Colorado</u> | Ducks, mergansers, and coots (1) |
| | Ducks and mergansers (1) | | Montana (2) |
| | Geese (1) | | Ducks, mergansers, and coots (1) |
| <u>Michigan</u> | Southwest Zone | <u>New Mexico</u> | Doves |
| | Rest of State | | Band-tailed pigeons |
| | Rails, snipe, and woodcock | | North Zone |
| | Ducks, mergansers, coots, and moorhens (1) | | South Zone |
| <u>Minnesota</u> | North Zones | <u>North Dakota</u> | Sandhill cranes |
| | Middle Zones | | Regular Season Area |
| | South Zone | | Ducks, mergansers, coots, and snipe (1) |
| | | | |
| <u>Missouri</u> | Rails, snipe, and woodcock | <u>South Dakota</u> | Ducks, mergansers, and coots (1) |
| | Ducks, mergansers, coots, and moorhens (1) | | |
| | | <u>Texas</u> | Mourning and white-winged doves |
| | Mourning doves | | Rails and gallinules |

| Extended Falconry Dates | |
|--|-------------------------------------|
| Wyoming | |
| Rails | Sept. 1-Sept. 12 |
| Ducks, mergansers, and coots (1) | Sept. 1-Sept. 30 |
| PACIFIC FLYWAY | |
| Arizona | |
| Doves | Sept. 11-Oct. 27 |
| Ducks and mergansers (1) | |
| North Zone | Sept. 1-Sept. 30 |
| Colorado | |
| Ducks, mergansers, and coots (1) | Sept. 19-Sept. 30 |
| Idaho | |
| Mourning Doves | Oct. 1-Nov. 30 & Feb. 23-Mar. 10 |
| Ducks, mergansers, and coots (1) | Sept. 1-Sept. 30 |
| Geese | Sept. 1-Sept. 14 |
| Montana (2) | |
| Geese (1) | Sept. 26-Sept. 30 |
| New Mexico | |
| Doves | Oct. 1-Nov. 4 & Nov. 29-Nov. 30 |
| Band-tailed pigeons | |
| North Zone | Sept. 21-Dec. 16 |
| South Zone | Oct. 21-Jan. 15 |
| Oregon (3) | |
| Mourning doves | Oct. 1-Dec. 16 |
| Band-tailed pigeons | Sept. 1-Sept. 14 & Sept. 24-Dec. 16 |
| Utah | |
| Mourning doves and band-tailed pigeons | Oct. 1-Dec. 16 |
| Washington | |
| Mourning doves | Sept. 1-Oct. 16 & Dec. 1-Dec. 31 |
| Wyoming | |
| Rails and snipe | Sept. 1-Sept. 12 |
| Ducks, mergansers, and coots (1) | Sept. 1-Sept. 30 |

(1) Additional days occurring after Sept. 30 will be published with the late-season selections.

(2) In Montana, the bag limit is 2 and the possession limit is 6.

(3) In Oregon, no more than 1 pigeon daily in bag or possession.

[FR Doc. 92-20619 Filed 8-26-92; 8:45 am]

BILLING CODE 4310-55-C

Federal Register

**Thursday
August 27, 1992**

Part VIII

Department of Education

**34 CFR Part 668
Student Assistance General Provisions;
Final Rule**

DEPARTMENT OF EDUCATION

34 CFR Part 668

RIN: 1840-AB07

Student Assistance General Provisions

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the verification regulations contained in subpart E of the Student Assistance General Provisions regulations, 34 CFR part 668, to make two changes necessary to have them conform to certain provisions in the Higher Education Technical Amendments Act of 1987 (Pub. L. 100-50) and the Omnibus Budget Reconciliation Act of 1989 (Pub. L. 101-239) and to correct errors and omissions in the current regulations.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the *Federal Register* or later if the Congress takes certain adjournments, with the exception of § 668.61. Section 668.61 will become effective after the information collection requirements contained in that section have been submitted by the Department of Education and approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980. If you want to know the effective date of these regulations, call or write the Department of Education contact person. A document announcing the effective date will be published in the *Federal Register*.

FOR FURTHER INFORMATION CONTACT: Lorraine Kennedy, Program Analyst, Verification Development Section, Student Verification Branch, Division of Policy and Program Development, U.S. Department of Education, 400 Maryland Avenue, SW., Regional Office Building 3, room 4613, Washington, DC 20202-5451. Telephone: (202) 708-4601. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 (in the Washington, DC 202 area code, telephone 708-9300) between 8 a.m. and 7 p.m., Eastern time.

SUPPLEMENTARY INFORMATION: On October 31, 1989, the Secretary published a Notice of Proposed Rulemaking (NPRM) for part 668 in the *Federal Register*. The Secretary published final verification regulations for Part 668 in the *Federal Register* on December 2, 1991 (56 FR 61330). The verification regulations contained in subpart E of the Student Assistance General Provisions regulations (34 CFR part 668) govern the verification of information used to calculate an applicant's expected family contribution

(EFC) as part of determining an applicant's need for student financial assistance. The EFC is the amount that an applicant and the applicant's family reasonably can be expected to contribute towards the applicant's cost of attendance at an institution of higher education.

The verification regulations seek to improve the efficiency of Federal student aid programs and, by so doing, to improve their capacity to enhance opportunities for postsecondary education. Encouraging students to graduate from high school and to pursue high quality postsecondary education are important elements of the President's AMERICA 2000 strategy to move the Nation toward achieving the National Education Goals.

The changes in these regulations are being made to correct errors and omissions in the text of the current regulations and to have §§ 668.56(c) and 668.61 conform to the requirements of the Higher Education Technical Amendments Act of 1987 (Pub. L. 100-50) and the Omnibus Budget Reconciliation Act of 1989 (Pub. L. 101-239), respectively.

Section 668.56 has been amended to change the references in § 668.56(a) from § 668.54(a) (1) or (2) to read § 668.54(a) (2) or (3) to correct a numbering error. This is a technical change. Also, the reference to independent student status has been deleted from § 668.56(c) because, under the Higher Education Technical Amendments Act of 1987 (Pub. L. 100-50), the Secretary is no longer permitted to prescribe requirements for verifying independent student status.

Section 668.57 has been amended to include a provision that requires applicants to verify the number of family members enrolled in postsecondary education institutions even though there was no change in the information verified in the previous award year. This provision was discussed in the NPRM published in the *Federal Register* on October 31, 1989, and also in the preamble to the final verification regulations published in the *Federal Register* on December 2, 1991, but the provision was inadvertently omitted from the regulatory text.

Section 668.57(d)(1) has been amended to change the references from § 668.56(a)(5) (iii), (iv), (v) and (vi) to read § 668.56(a)(5) (iii), (iv), (v), (vi) and (vii) to correct a numbering error. This is a technical change.

Section 668.58(a)(1)(i) has been amended to add a reference to the need-based Income Contingent Loan Program, which was inadvertently omitted in the final verification regulations published

in the *Federal Register* on December 2, 1991.

Sections 668.59(a)(3)(ii) and (c)(2)(ii) have been amended to remove the phrase "reflecting a net change," which would permit institutions to allow offset errors in dollar items in income and assets with expenses, instead of recalculating the applicant's EFC. This phrase has been deleted because it was not the intent of the Secretary in publishing the final verification regulations to change the methodology for computing errors in dollar items from absolute value to net value. The policy set forth in § 668.59 of the NPRM that was published in the *Federal Register* on October 31, 1989 has been retained.

Section 668.61(b) has been amended to delete the \$200 overaward provision for the Stafford Loan Program. This provision permitted institutions to determine, as a result of the verification process, that the borrower is ineligible to receive proceeds of \$200 or more in excess of need. This provision was rendered obsolete by the Omnibus Budget Reconciliation Act of 1989 (Pub. L. 101-239), which no longer permits institutions to hold any Stafford Loan proceeds in excess of the student's financial need for the loan amount. Institutions now must withhold the loan proceeds and promptly return to the lender or escrow agent any disbursement not yet delivered to the student that exceeds the amount of assistance the student is eligible to receive.

Waiver of Notice of Proposed Rulemaking

In accordance with section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)) and the Administrative Procedure Act, 5 U.S.C. 553, it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, the regulatory changes in this document are necessary to correct minor technical errors and to implement mandatory statutory provisions. The changes in this document do not establish any new policy. Therefore, the Secretary has determined that publication of a proposed rule is unnecessary and contrary to the public interest under 5 U.S.C. 553(b)(B).

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. Small entities affected by these regulations are small institutions of higher education. These regulations contain technical amendments designed to clarify and correct current regulations. The changes will not have a significant economic impact on the institutions affected.

Assessment of Educational Impact

The Secretary has determined that regulations in this document would not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 668

Administrative practice and procedure, Colleges and universities, Consumer protection, Loan programs—education, Grant programs—education, Reporting and recordkeeping requirements, Student aid.

Dated: July 20, 1992.

Lamar Alexander,
Secretary of Education.

The Secretary amends part 668 of title 34 of the Code of Federal Regulations as follows:

**PART 668—STUDENT ASSISTANCE
GENERAL PROVISIONS**

1. The authority citation for part 668 continues to read as follows:

Authority: 20 U.S.C. 1085, 1088, 1091, 1092, 1094, and 1141, unless otherwise noted.

2. Section 668.56 is amended by revising paragraph (a) introductory text and paragraph (c) to read as follows:

§ 668.56 Items to be verified.

(a) Except as provided in paragraphs (b), (c), (d), and (e) of this section, an institution shall require an applicant selected for verification under

§ 668.54(a)(2) or (3) to submit acceptable documentation described in § 668.57 that will verify or update the following information used to determine the applicant's EFC:

(c) If the number of family members in the household or the amount of child support reported by an applicant selected for verification is the same as that verified by the institution in the previous award year, the institution need not require the applicant to verify that information.

3. Section 668.57 is amended by revising paragraph (c)(1) introductory text and paragraph (d)(1) introductory text to read as follows:

§ 668.57 Acceptable documentation.

(c) * * *

(1) Except as provided in § 668.56 paragraphs (b), (c), (d) and (e), an institution shall require an applicant selected for verification to verify annually information included on the application regarding the number of household members in the applicant's family enrolled on at least a half-time basis in postsecondary institutions. The institution shall require the applicant to verify that information by submitting a statement signed by the applicant and the applicant's parents if the applicant is a dependent student, or by the applicant and the applicant's spouse if the applicant is an independent student, listing—

(d) * * *

(1) Untaxed income and benefits described in § 668.56(a)(5)(iii), (iv), (v), (vi), and (vii) by submitting to it—

4. Section 668.58 is amended by revising paragraph (a)(1)(i) to read as follows:

§ 668.58 Interim disbursements.

(a) * * *

(1) * * *

(i) Disburse any Pell Grant, Campus-based, or need-based ICL program funds to the applicant;

5. Section 668.59 is amended by revising paragraphs (a)(3)(ii) and (c)(2)(ii) to read as follows:

§ 668.59 Consequences of a change in application information.

(a) * * *

(3) * * *

(ii) No errors in dollar items or errors in dollar items of less than \$200.

(c) * * *

(2) * * *

(ii) No errors in dollar items or errors in dollar items of less than \$800; or

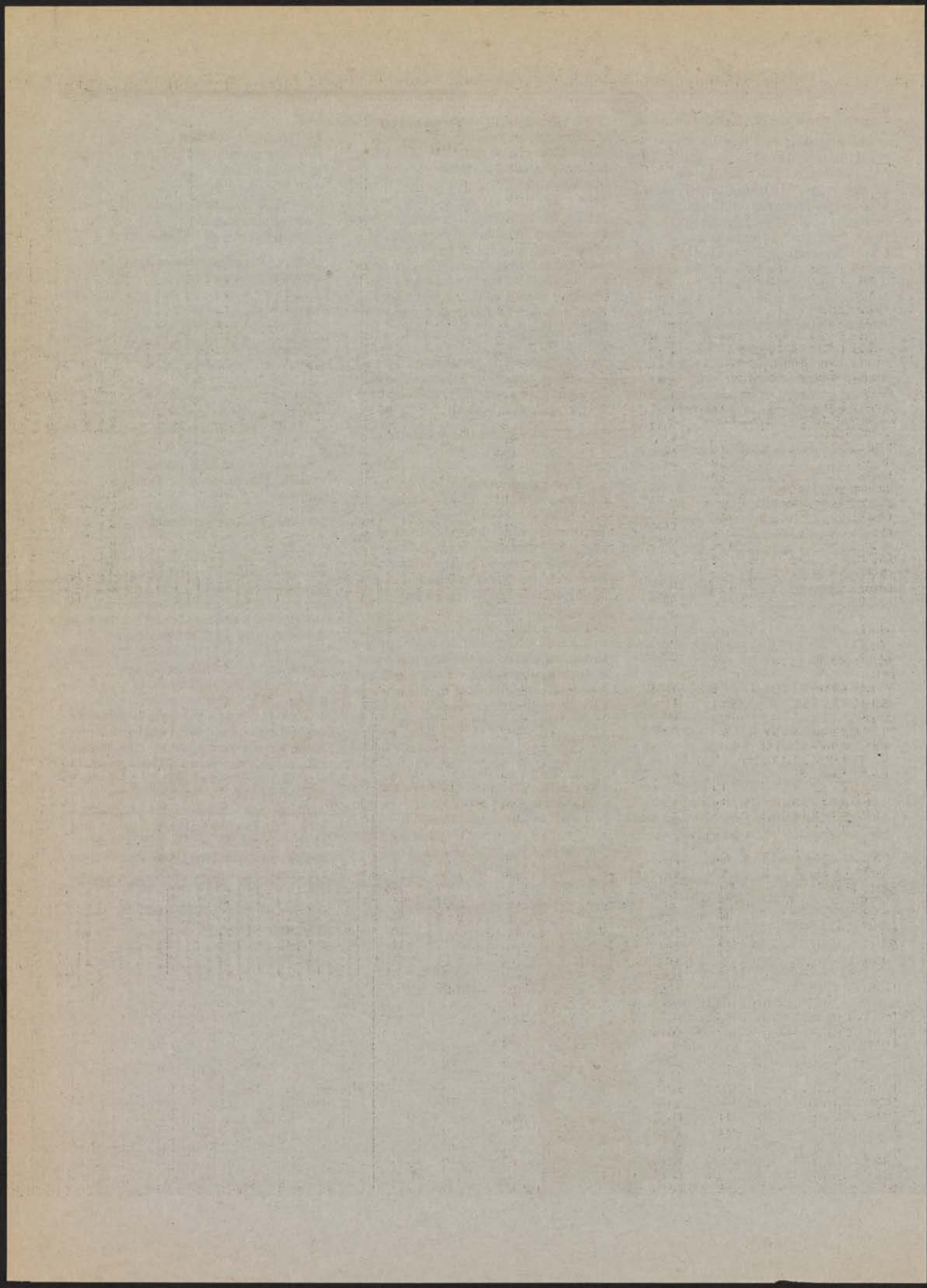
6. Section 668.61 is amended by revising paragraph (b) to read as follows:

§ 668.61 Recovery of funds.

(b) If the institution determines as a result of the verification process that an applicant received Stafford Loan proceeds for an award year in excess of the student's financial need for the loan, the institution shall withhold and promptly return to the lender or escrow agent any disbursement not yet delivered to the student that exceeds the amount of assistance for which the student is eligible, taking into account other financial aid received by the student. However, instead of returning the entire undelivered disbursement, the school may choose to return promptly to the lender only the portion of the disbursement for which the student is ineligible. In either case, the institution shall provide the lender with a written statement describing the reason for the returned loan funds.

[FR Doc. 92-20599 Filed 8-26-92; 8:45 am]

BILLING CODE 4000-01-M



Best Great Federal Paper

Thursday
August 27, 1992

Part IX

Department of Education

Office of Postsecondary Education

Federal Perkins Loan, Federal Work-
Study and Federal Supplemental
Educational Opportunity Grant Programs;
Notice

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

Federal Perkins Loan, Federal Work-Study, and Federal Supplemental Educational Opportunity Grant Programs

AGENCY: Department of Education.

ACTION: Notice of closing date for filing the fiscal operations report and application to participate in the Perkins Loan, College Work-Study (CWS), and Supplemental Educational Opportunity Grant (SEOG) programs. These programs have been renamed the Federal Perkins Loan, the Federal Work-Study (FWS), and the Federal Supplemental Educational Opportunity Grant (FSEOG) programs, respectively, by the Higher Educational Amendments of 1992.

SUMMARY: The Secretary gives notice to institutions of higher education of the deadline for an institution to apply for fiscal year 1993 funds—for use in the 1993-94 award year—under the Federal Perkins Loan, FWS, and FSEOG programs. Under these programs, the Secretary allocates funds to institutions for students who need financial aid to meet the costs of postsecondary education. An institution is not required to establish eligibility prior to applying for funds. Institutions will be notified of the closing date for establishing institutional eligibility to participate in the Federal Perkins Loan, FWS, and FSEOG programs in the 1993-94 award year through a separate notice in the Federal Register.

The Secretary further gives notice that an institution that had a Perkins Loan fund or expended CWS or SEOG funds during the 1991-92 award year is required to submit a Fiscal Operations Report to report its program expenditures as of June 30, 1992, to the Secretary.

The Federal Perkins Loan, FWS, and FSEOG programs are authorized by parts E, C, and part A subpart 3, respectively, of title IV of the Higher Education Act of 1965, as amended.

Authority: (20 U.S.C. 1087aa-1087hh; 42 U.S.C. 2751-2756a; and 20 U.S.C. 1070b-1070b-3.)

Closing Date: An institution may submit its 1991-92 Fiscal Operations Report and 1993-94 Application to Participate (FISAP) in the Perkins Loan,

College Work-Study, and Supplemental Educational Opportunity Grant programs (FISAP-ED FORM 646-1; OMB No. 1840-0073) by—

- (1) Submitting the completed data on a data diskette provided by the Department of Education;
- (2) Creating a tape from data stored on a mainframe computer, and submitting that tape in a format defined by the Department of Education; or
- (3) Transmitting the data from a personal or mainframe computer through a modem.

First-time applicants will be required to submit data for the application portion of the FISAP only. Therefore, the Department is mailing only that portion of the FISAP to first-time applicants.

To ensure consideration for 1993-94 funds, an institution must submit an electronic FISAP either by data diskette, tape, or modem, by October 1, 1992.

FISAPs Delivered by Mail: A diskette or tape containing FISAP data must be addressed to FISAP, c/o Universal Automation Leasing Corp. (UAL), 5th Floor, 8300 Colesville Road, Silver Spring, Maryland 20910.

An institution must show proof of mailing its FISAP. Proof of mailing consists of one of the following: (1) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service, (2) a legibly dated U.S. Postal Service postmark, (3) a dated shipping label, invoice, or receipt from a commercial carrier, or (4) any other proof of mailing acceptable to the U.S. Secretary of Education.

If a FISAP is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service. An institution should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an institution should check with its local post office. An institution is encouraged to use certified or at least first-class mail.

FISAPs Delivered by Hand: A diskette or tape containing FISAP data must be taken to Universal Automation Leasing Corp. (UAL), 5th Floor, 8300 Colesville Road, Silver Spring, Maryland.

Hand-delivered FISAP diskettes or tapes will be accepted between 9 a.m. and 5 p.m. daily (Eastern Daylight Time), except Saturdays, Sundays, and Federal holidays. A FISAP that is hand-

delivered will not be accepted after 5 p.m. on the closing date.

FISAPs Delivered Electronically: A FISAP that is delivered electronically must be transmitted by either a personal or mainframe computer to the host ED computer using a modem. In addition, one original completed signature page must be mailed to Electronic FISAP, c/o Universal Automation Leasing Corp. (UAL), 5th Floor, 8300 Colesville Road, Silver Spring, Maryland 20910, by October 1, 1992.

FISAP Information: FISAP materials were mailed by the Campus-Based Programs Branch in late July. An institution must prepare and submit its FISAP in accordance with the information included in the package.

The program information package is intended to aid applicants in applying for assistance under these programs. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those specifically imposed under the statute and regulations governing the programs.

Applicable Regulations: The following regulations are applicable to these programs: Perkins Loan—34 CFR parts 674 and 688. College Work-Study—34 CFR parts 675 and 688. Supplemental Educational Opportunity Grant—34 CFR parts 676 and 688.

Further Information: For further information or to request FISAP materials, contact Ms. Gloria Easter, Chief, Financial Management Section, Campus-Based Programs Branch, Division of Program Operations and Systems, Office of Student Financial Assistance, U.S. Department of Education, 400 Maryland Avenue, SW., (room 4621, ROB-3), Washington, DC 20202-5452. Telephone (202) 708-7741.

Authority: (20 U.S.C. 1087aa et seq.; 42 U.S.C. 2751 et seq.; and 20 U.S.C. 1070b et seq.)

Dated: August 21, 1992.

John B. Childers,

Acting Assistant Secretary for Postsecondary Education.

(Catalog of Federal Domestic Assistance Nos. 84.038, Perkins Loan Program; 84.033, College Work-Study Program; and 84.007, Supplemental Educational Opportunity Grant Program)

[FR Doc. 92-20592 Filed 8-26-92; 8:45 am]

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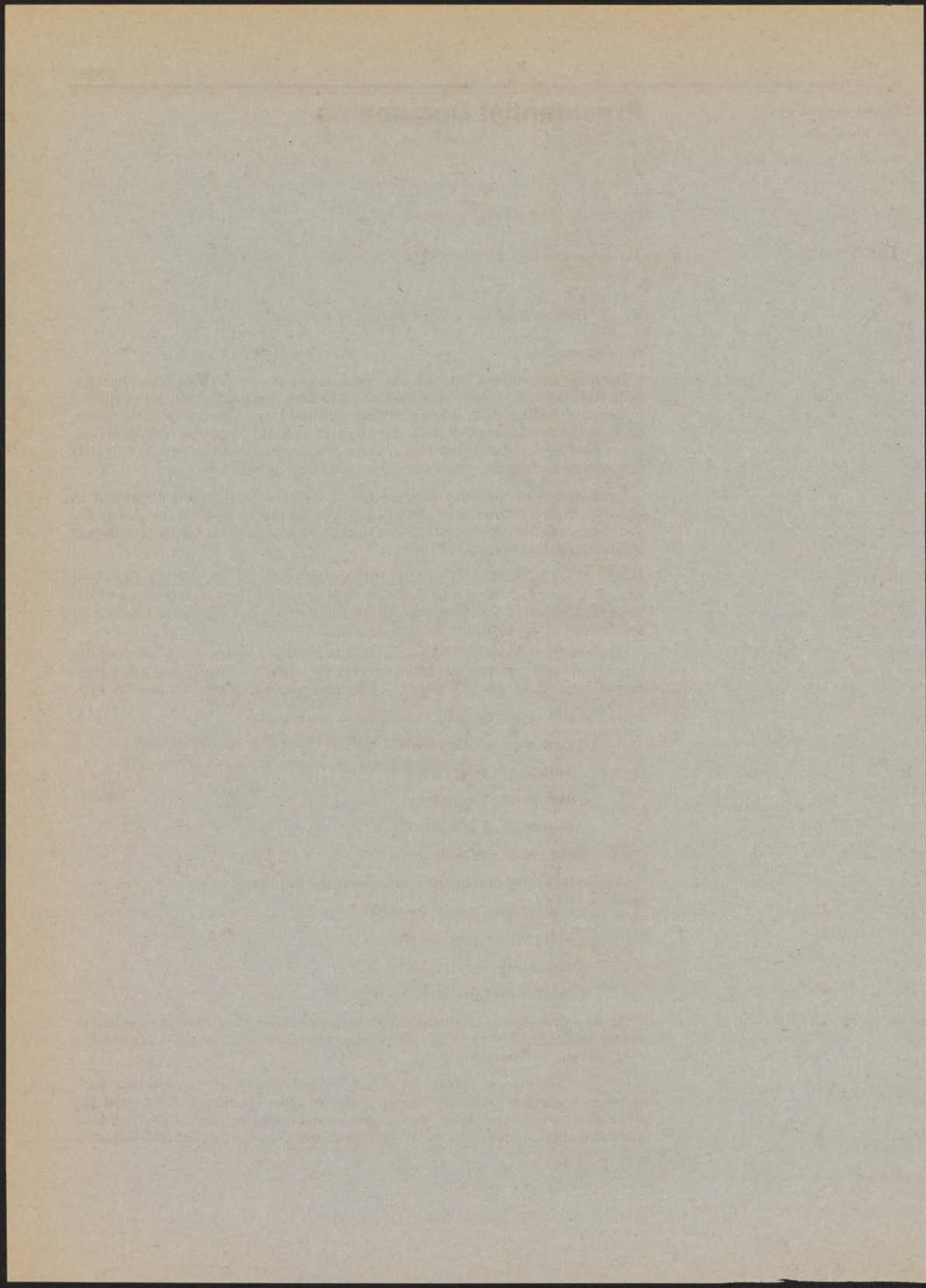
Executive Order

Thursday
August 27, 1992

Part X

The President

Proclamation 6465—To Amend the
Generalized System of Preferences



Presidential Documents

Title 3—

The President

Proclamation 6465 of August 25, 1992

To Amend the Generalized System of Preferences

By the President of the United States of America

A Proclamation

1. Pursuant to sections 501 and 502 of the Trade Act of 1974, as amended (the 1974 Act) (19 U.S.C. 2461 and 2462), and having due regard for the eligibility criteria set forth therein, I have determined that it is appropriate to designate each of the former republics of the Socialist Federal Republic of Yugoslavia, other than Serbia and Montenegro, under the first sentence of section 502(a)(1) for purposes of the Generalized System of Preferences (GSP).

2. Section 604 of the 1974 Act (19 U.S.C. 2483) authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTS) the substance of the provisions of that Act, and of other acts affecting import treatment, and actions thereunder.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to title V and section 604 of the 1974 Act, do proclaim that:

(1) General note 3(c)(ii)(A) to the HTS, is modified by inserting "Each of the former republics of the Socialist Federal Republic of Yugoslavia other than Serbia and Montenegro" after "Zimbabwe" in the list contained therein.

(2) General note 3(c)(ii)(D) to the HTS is modified by:

(a) deleting the following:

"9401.30.40 Yugoslavia"

"9401.61.40 Yugoslavia"

"9401.69.60 Yugoslavia"

"9401.90.40 Yugoslavia"

(b) inserting, in numerical sequence, the following:

"9401.30.40 Croatia; Slovenia"

"9401.61.40 Croatia; Slovenia"

"9401.69.60 Croatia; Slovenia"

"9401.90.40 Croatia; Slovenia"

(3) Any provisions of previous proclamations and Executive orders inconsistent with the provisions of this proclamation are hereby superseded to the extent of such inconsistency.

(4) The amendment made by this proclamation shall be effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after 15 days after the date of publication of this proclamation in the Federal Register.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of August, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seven-teenth.

[FR Doc. 92-20847

Filed 8-26-92; 10:12 am]

Billing code 3195-01-M

George Bush

Reader Aids

Federal Register

Vol. 57, No. 167

Thursday, August 27, 1992

INFORMATION AND ASSISTANCE

Federal Register

| | |
|---|--------------|
| Index, finding aids & general information | 202-523-5227 |
| Public inspection desk | 523-5215 |
| Corrections to published documents | 523-5237 |
| Document drafting information | 523-3187 |
| Machine readable documents | 523-3447 |

Code of Federal Regulations

| | |
|---|----------|
| Index, finding aids & general information | 523-5227 |
| Printing schedules | 512-1557 |

Laws

| | |
|---|----------|
| Public Laws Update Service (numbers, dates, etc.) | 523-6641 |
| Additional information | 523-5230 |

Presidential Documents

| | |
|--|----------|
| Executive orders and proclamations | 523-5230 |
| Public Papers of the Presidents | 523-5230 |
| Weekly Compilation of Presidential Documents | 523-5230 |

The United States Government Manual

| | |
|---------------------|----------|
| General information | 523-5230 |
|---------------------|----------|

Other Services

| | |
|---|----------|
| Data base and machine readable specifications | 523-3447 |
| Guide to Record Retention Requirements | 523-3187 |
| Legal staff | 523-4534 |
| Privacy Act Compilation | 523-3187 |
| Public Laws Update Service (PLUS) | 523-6641 |
| TDD for the hearing impaired | 523-5229 |

FEDERAL REGISTER PAGES AND DATES, AUGUST

| | |
|-------------|----|
| 34061-34200 | 3 |
| 34201-34494 | 4 |
| 34495-34664 | 5 |
| 34665-34850 | 6 |
| 34851-35454 | 7 |
| 35455-35744 | 10 |
| 35745-35980 | 11 |
| 35981-36350 | 12 |
| 36351-36586 | 13 |
| 36587-36886 | 14 |
| 36887-37078 | 17 |
| 37079-37392 | 18 |
| 37393-37682 | 19 |
| 37683-37868 | 20 |
| 37869-38236 | 21 |
| 38237-38402 | 24 |
| 38403-38576 | 25 |
| 38577-38742 | 26 |
| 38743-39096 | 27 |

CFR PARTS AFFECTED DURING AUGUST

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

| | |
|----------------------|-------|
| Proclamations: | |
| 6463 | 36349 |
| 6464 | 36887 |
| 6465 | 39095 |
| Executive Orders: | |
| 8597 (Revoked by | |
| PLO 6939 | |
| of July 22, 1992 | 35467 |
| 12674 (See OGE final | |
| rule of May 7, | |
| 1992) | 35006 |
| 12731 (See OGE final | |
| rule of May 7, | |
| 1992) | 35006 |
| 12813 | 34851 |

Administrative Orders:

| | |
|------------------------------|-------|
| Presidential Determinations: | |
| No. 85-14 of | |
| July 1, 1985 | |
| (See Presidential | |
| Determination | |
| No. 92-41 of | |
| August 17, 1992) | |
| No. 92-37 of | |
| August 3, 1992 | 36587 |
| No. 92-38 of | |
| August 11, 1992 | 38577 |
| No. 92-41 of | |
| August 17, 1992 | 38235 |
| (See DOT notice | |
| of August 18) | 38342 |

4 CFR

| | |
|---------|-------|
| Ch. III | 34167 |
|---------|-------|

5 CFR

| | |
|-----------------|--------------|
| 531 | 37393 |
| 532 | 35745 |
| 575 | 37393, 37394 |
| 831 | 38743 |
| 2635 | 35006 |
| Proposed Rules: | |
| 297 | 35491 |

7 CFR

| | |
|-----|-------|
| 28 | 34495 |
| 210 | 38579 |
| 215 | 38579 |
| 220 | 38579 |
| 246 | 34500 |
| 301 | 37683 |
| 302 | 37079 |
| 354 | 37684 |
| 400 | 34665 |
| 716 | 34201 |
| 719 | 34201 |
| 720 | 34201 |
| 907 | 34203 |
| 908 | 34203 |
| 929 | 38745 |

| | |
|------|--------------|
| 932 | 35745, 36351 |
| 944 | 35747, 36354 |
| 945 | 38403 |
| 946 | 38404 |
| 947 | 38587 |
| 967 | 38405 |
| 981 | 38407, 38408 |
| 982 | 38410 |
| 989 | 34206 |
| 993 | 38412 |
| 998 | 34061, 38413 |
| 1209 | 34349, 35004 |
| 1413 | 34201 |
| 1414 | 34201 |
| 1435 | 37685 |
| 1806 | 36589 |
| 1863 | 36589 |
| 1925 | 36589 |
| 1941 | 37400 |
| 1942 | 35627 |
| 1944 | 36589 |
| 1945 | 36589 |
| 1951 | 36589 |
| 1955 | 36589 |
| 1962 | 36589 |
| 1965 | 36589 |

Proposed Rules:

| | |
|------|---------------------|
| 58 | 35492 |
| 300 | 34349, 37732 |
| 318 | 35627 |
| 319 | 34349, 37732, 37735 |
| 401 | 38783 |
| 906 | 34268 |
| 915 | 38445 |
| 948 | 34269, 38446 |
| 993 | 38621 |
| 1001 | 36609 |
| 1002 | 36609 |
| 1004 | 36609 |
| 1005 | 36609 |
| 1007 | 36609 |
| 1011 | 36609 |
| 1030 | 36609 |
| 1033 | 36536 |
| 1036 | 36536 |
| 1040 | 36609 |
| 1044 | 36609 |
| 1046 | 36609 |
| 1049 | 36536 |
| 1065 | 36609 |
| 1068 | 36609 |
| 1079 | 36609 |
| 1093 | 36609 |
| 1094 | 36609 |
| 1096 | 36609 |
| 1097 | 36609 |
| 1098 | 36609 |
| 1099 | 36609 |
| 1106 | 36609 |
| 1108 | 36609 |
| 1124 | 34694 |
| 1126 | 36609 |

| | | | |
|----------------------------|-----------------------------|------------------------------|-----------------------------|
| 1131.....36609 | 741.....34091 | 453.....34532 | 176.....34865 |
| 1135.....34694 | | 1116.....34272 | 178.....35462, 37867 |
| 1138.....36609 | 13 CFR | 1145.....36929 | 510.....35988, 38441 |
| 1209.....36610 | 121.....37690 | 1210.....36932 | 520.....35988, 37318 |
| 1413.....34087 | Proposed Rules: | 1700.....34274 | 522.....37318 |
| 1942.....37736 | 121.....38452 | | 524.....37318 |
| | 125.....37909 | 17 CFR | 526.....37318 |
| 8 CFR | | 4.....34853 | 529.....37318 |
| 103.....34506 | 14 CFR | 30.....36369, 38437 | 536.....37318 |
| 240.....34506 | 13.....34511 | 32.....36369 | 539.....37318 |
| | 21.....34208-34213, 34511, | 200.....36442 | 540.....37318 |
| 9 CFR | 35981, 37406, 37876 | 210.....36442 | 544.....37318 |
| 77.....37686, 37869 | 23.....35981, 37876 | 228.....36442 | 546.....37318 |
| 78.....37080, 37081, 37687 | 25.....34208-34213, 34511, | 229.....36442 | 548.....37318 |
| 91.....37689 | 34681, 37406 | 230.....36442 | 555.....37318 |
| 92.....37689 | 39.....34065-34073, 34215- | 239.....36442, 37084 | 558.....34515, 37410, 38441 |
| 94.....37081 | 34220, 35982, 36891-36901, | 240.....36442 | 1220.....38770 |
| 101.....38751 | 37408, 37691, 37872, 37874, | 249.....36442 | 1308.....36371, 36372 |
| 102.....38758 | 38251-38269, 38430, 38432, | 260.....36442 | |
| 112.....38751 | 38760 | Proposed Rules: | 20.....36617 |
| 113.....38751 | 71.....34074, 35983, 36601, | 1.....34533 | 101.....37190 |
| 303.....34174 | 37409, 37877, 37878, 38434- | 200.....35070, 35202, 38352 | 131.....38095 |
| 318.....37869 | 38437, 38962 | 201.....35070, 38352 | 182.....37738 |
| 327.....36889 | 91.....34614 | 202.....35070, 35431, 35442, | 184.....37738 |
| 381.....34174, 37869 | 93.....37308 | 38352 | 310.....38568 |
| | 95.....36361 | 210.....35070, 38352 | 341.....34733-34735 |
| Proposed Rules: | 97.....34221, 34512, 35984, | 228.....36502 | 1301.....36439 |
| 51.....37736 | 35986, 38271, 38273 | 229.....35070, 35202, 38352 | 1304.....36439 |
| 92.....37737 | 121.....34681 | 230.....35070, 35202, 36502, | |
| 318.....35505, 38448 | 135.....34681 | 38352 | 22 CFR |
| 381.....38450 | 201.....38761 | 232.....35070, 38352 | 215.....38276 |
| | 202.....38761 | 239.....34701, 35070, 35202, | |
| 10 CFR | 204.....38761 | 36502, 38352 | 23 CFR |
| 19.....38588 | 291.....38761 | 240.....34701, 35070, 35202, | 1212.....35989 |
| 20.....38588 | 302.....38761 | 36502, 38352 | Proposed Rules: |
| 50.....35455 | Proposed Rules: | 249.....35070, 35202, 36502, | 750.....34168 |
| 220.....36890 | Ch. I.....37480 | 38352 | |
| 300.....36890 | 1.....35888 | 250.....35431 | 24 CFR |
| 320.....36890 | 21.....34270, 36027, 36029, | 259.....35070 | 4.....34246 |
| | 36375 | 260.....35070, 35442, 36502, | 25.....37085 |
| Proposed Rules: | 25.....34270, 36375 | 38352 | 202.....37085 |
| Ch. I.....34886, 37737 | 27.....36027 | 269.....35431, 38352 | 889.....36338 |
| 20.....36611 | 29.....36029 | 270.....34701, 34726, 35202 | 890.....36330 |
| 50.....34666, 36909 | 39.....36439, 36614, 36917- | 274.....34701, 35202 | 905.....37085 |
| 140.....36909 | 36928, 37118, 37480-37488, | | Proposed Rules: |
| | 37738, 37914, 37915, 38623- | 18 CFR | 92.....34640 |
| 11 CFR | 38632, 38784-38802 | 271.....34682 | 207.....37119 |
| 110.....36344 | 61.....35888 | 284.....36128, 38590 | 213.....37119 |
| 200.....34508 | 71.....34271, 34530, 34531, | Proposed Rules: | 220.....37119 |
| Proposed Rules: | 34809, 36031, 36378, 36616, | 2.....35525 | 221.....37119 |
| 110.....36023 | 37489-37492, 38456, 38634, | 284.....35525, 35766 | 231.....37119 |
| | 38724 | | 232.....37119 |
| 12 CFR | 73.....37493 | 19 CFR | 234.....37119 |
| 201.....34064 | 91.....35888, 38724 | 4.....35750 | 242.....37119 |
| 204.....38415, 38417 | 121.....35888, 38718 | 18.....38274 | 244.....37119 |
| 226.....34676 | 125.....35888 | 19.....37692 | 290.....34834 |
| 229.....36593, 36599 | 135.....35888 | 24.....35458 | 886.....34834 |
| 545.....37083 | 141.....35888 | 113.....37692 | 2003.....38804 |
| 571.....37083 | 142.....35888 | 122.....38274 | |
| 584.....35456 | | 144.....37692 | 25 CFR |
| 614.....38237 | 15 CFR | 145.....37702 | Proposed Rules: |
| 615.....38250 | 903.....35749 | 207.....34820 | 515.....34809 |
| 619.....38237 | Proposed Rules: | Proposed Rules: | 519.....34349 |
| 1102.....35004, 36356 | 280.....37032 | 10.....37591 | 522.....34349 |
| 1617.....35728 | 799.....36929 | 101.....34809, 35530 | 523.....34349 |
| 1680.....37400 | 801.....38635 | 146.....35530 | 524.....34349 |
| Proposed Rules: | | 151.....37917 | 531.....37656 |
| 3.....35507 | 16 CFR | | 533.....37656 |
| 34.....36911 | 260.....36363 | 20 CFR | 535.....37656 |
| 203.....36024 | 305.....36902 | 10.....35752 | 537.....37656 |
| 208.....35507 | 1115.....34222 | 416.....35459 | 539.....37656 |
| 220.....37109 | 1116.....34230 | | 556.....34349 |
| 225.....35507 | Proposed Rules: | 21 CFR | 558.....34349 |
| 325.....35507 | 19.....34532 | 14.....35461 | 571.....34809 |
| 552.....37112 | 23.....34532 | 155.....34244, 37591 | 577.....34809 |
| 563.....36911, 37112 | 245.....34532 | 169.....34245, 37591 | |
| Ch. VII.....34090 | | | |

| | | | |
|--|--|---|------------------------------|
| 26 CFR | 292..... 38774 | 2..... 38190 | 409..... 36006 |
| 1..... 36001, 37189, 38281, 38594, 38595 | 701..... 37100 | Proposed Rules: | 410..... 36006 |
| 51..... 36001 | 706..... 35463, 35464 | 1..... 36034, 38640 | 411..... 36006 |
| 301..... 36691, 37085, 37189, 38960 | 33 CFR | 2..... 38640 | 412..... 36006 |
| 602..... 36001, 38281, 38595 | 100..... 34075, 37710, 38283, 38606 | 3..... 38640 | 413..... 36006 |
| Proposed Rules: | 117..... 34868, 37711, 37879, 37881, 38608, 38778 | 10..... 36034 | 418..... 36006 |
| 1..... 34092, 34736, 34740, 34886, 35536, 37495 | 135..... 36314 | 38 CFR | 420..... 35760 |
| 5h..... 34736, 34740 | 136..... 36314 | 1..... 38609 | 433..... 38778 |
| 301..... 36031, 38457 | 137..... 36314 | 2..... 38609 | 489..... 36006 |
| 27 CFR | 155..... 36222 | 3..... 34517, 36439, 38609 | 493..... 35760 |
| 4..... 37591 | 157..... 36222 | 4..... 38609 | Proposed Rules: |
| 28 CFR | 165..... 35465, 35466, 35755 | 6..... 38609 | 52c..... 37745 |
| 0..... 38771 | 222..... 35757 | 8..... 38609 | 52e..... 37502 |
| 40..... 38773 | Proposed Rules: | 13..... 38609 | 100..... 36878 |
| 524..... 34662 | 117..... 37918, 37920, 38638 | 17..... 38609 | 435..... 36968 |
| 571..... 34662 | 154..... 37920 | 18..... 38609 | 436..... 36968 |
| 29 CFR | 165..... 34741, 36034 | 20..... 38442 | 43 CFR |
| 541..... 37666 | 179..... 36034 | 21..... 35628, 38609, 38611, 38613 | 3100..... 35968 |
| 1910..... 35630, 38600 | 34 CFR | 36..... 37712, 38609 | 5460..... 37475 |
| 1926..... 35630 | 8..... 34646 | Proposed Rules: | 5470..... 37475 |
| 2619..... 36602 | 200..... 39066 | 3..... 34536, 38095 | Public Land Orders: |
| 2676..... 36603 | 300..... 37652 | 21..... 38458 | 6932..... 35627 |
| Proposed Rules: | 303..... 37652 | 39 CFR | 6938..... 34520 |
| 541..... 37678 | 668..... 39088 | 111..... 37882 | 6939..... 35467 |
| 1910..... 34192, 36964, 37126, 37591 | Proposed Rules: | 232..... 36903, 38443 | 6940..... 35468 |
| 1915..... 36964, 37126 | 76..... 38740 | 40 CFR | 6941..... 36885 |
| 1917..... 37126 | 80..... 38740 | 52..... 34249-34251, 35758, 35759, 36004, 36603, 37100, 37465, 37470, 38615 | 6942..... 38782 |
| 1918..... 37126 | Ch. VI..... 38639 | 148..... 37194 | Proposed Rules: |
| 1926..... 34656, 36964, 37126 | 400..... 36720 | 156..... 38102 | 12..... 34755 |
| 1928..... 37126 | 401..... 36720 | 170..... 38102 | 5400..... 37936 |
| 30 CFR | 402..... 36720 | 180..... 34517, 34518, 36004, 37474 | 5460..... 37936 |
| 70..... 34683 | 403..... 36720 | 185..... 36005 | 5470..... 37936 |
| 75..... 34683 | 405..... 36720 | 260..... 37194, 38558 | 44 CFR |
| 902..... 37410 | 406..... 36720 | 261..... 37194, 37284, 37884, 37886, 38558 | 64..... 34685, 34688, 37714 |
| 904..... 37423 | 407..... 36720 | 262..... 37194 | 65..... 37715, 37717 |
| 916..... 37430 | 408..... 36720 | 264..... 37194, 38558 | 67..... 37718 |
| 917..... 37086 | 409..... 36720 | 265..... 37194, 38558 | 361..... 34868 |
| 926..... 37436 | 410..... 36720 | 266..... 38558 | Proposed Rules: |
| 934..... 37702, 37707 | 411..... 36720 | 268..... 37194 | 67..... 37747 |
| 935..... 37093, 37096 | 412..... 36720 | 270..... 37194 | 45 CFR |
| 943..... 37447, 37459 | 413..... 36720 | 271..... 37194, 37284 | 98..... 34352 |
| 944..... 37461 | 414..... 36720 | 281..... 34519 | 99..... 34352 |
| Proposed Rules: | 415..... 36720 | 302..... 37284 | 255..... 34434 |
| 18..... 39036 | 416..... 36720 | 372..... 37888 | 257..... 34434 |
| 48..... 38289 | 417..... 36720 | 721..... 34252 | 801..... 36018 |
| 75..... 38289, 39041 | 418..... 36720 | Proposed Rules: | 1180..... 36903 |
| 77..... 38289 | 419..... 36720 | 50..... 35542 | Proposed Rules: |
| 250..... 36032 | 421..... 36720 | 52..... 35769, 35771, 36040, 37743, 38641, 38650 | 1224..... 35775 |
| 718..... 35960 | 422..... 36720 | 80..... 37744, 38651 | 46 CFR |
| 720..... 35960 | 423..... 36720 | 122..... 35774 | 28..... 34188 |
| 901..... 37497 | 424..... 36720 | 170..... 38167, 38175 | 30..... 36222 |
| 913..... 37127 | 425..... 36720 | 180..... 34537, 36042-36046 | 32..... 36222 |
| 914..... 37498 | 426..... 36720 | 261..... 36866, 37921, 37927 | 70..... 36222 |
| 916..... 37132 | 427..... 36720 | 268..... 35940 | 90..... 36222 |
| 920..... 37133, 37134 | 428..... 36720 | 271..... 35940 | 172..... 36222 |
| 935..... 37136, 37138 | Proposed Rules: | 300..... 34742, 38289 | 272..... 34689 |
| 31 CFR | 99..... 35964 | 308..... 34742 | 298..... 34690 |
| 312..... 34684 | 280..... 36324 | 721..... 34281-34283, 37499 | 514..... 36248 |
| 317..... 34684 | 316..... 34620 | 41 CFR | 515..... 36248 |
| 357..... 38773 | 318..... 34620 | 101-14..... 37713 | 520..... 35761 |
| Proposed Rules: | 319..... 34620 | 101-45..... 34253 | 550..... 34076, 35761, 36248 |
| 210..... 34650 | 366..... 36617 | 42 CFR | 580..... 34076, 35761, 36248 |
| 257..... 37139 | 555..... 34488 | 403..... 38616 | 581..... 36248 |
| 32 CFR | 35 CFR | 405..... 36006 | Proposed Rules: |
| 191..... 35755 | 133..... 37066 | 406..... 36006 | 571..... 38807 |
| 33 CFR | 36 CFR | 47 CFR | 47 CFR |
| 100..... 34075, 37710, 38283, 38606 | Proposed Rules: | 0..... 38444 | 1..... 38284 |
| 117..... 34868, 37711, 37879, 37881, 38608, 38778 | 251..... 36618 | 2..... 38285 | 22..... 34077, 37105 |
| 135..... 36314 | 37 CFR | | |
| 136..... 36314 | 1..... 38190 | | |

| | | | |
|---------|---|-----------|---------------------|
| 43..... | 34520 | 1003..... | 37761 |
| 61..... | 37729 | 1039..... | 34890, 37763, 37941 |
| 64..... | 34253, 37106 | 1141..... | 34891 |
| 73..... | 34077, 34078, 34263, 34692, 34872, 35763, 36018- 36021, 36906, 37888, 38286 | 1160..... | 37761 |
| 76..... | 35468 | 1162..... | 37761 |
| 80..... | 34261 | 1166..... | 37761 |
| 90..... | 34692, 37730 | 1180..... | 34891, 35559 |
| 95..... | 36372 | 1201..... | 38810 |

Proposed Rules:

| | | | |
|------------|--|-----------|-------|
| Ch. I..... | 35776 | 1207..... | 36972 |
| 1..... | 36047 | 1249..... | 36972 |
| 2..... | 37755, 38459 | 1262..... | 38810 |
| 15..... | 36049, 37755, 37939, 38459 | | |
| 21..... | 34889 | | |
| 22..... | 34889 | | |
| 23..... | 34889 | | |
| 25..... | 34889, 37940, 37941 | | |
| 73..... | 34092, 34284, 34285, 36047, 36050, 36051, 36971, 38291, 38292, 38652 | | |
| 74..... | 36378 | | |
| 80..... | 38292 | | |
| 94..... | 34093 | | |
| 97..... | 34285, 37758 | | |

48 CFR

| | | | |
|-----------|--------------|----------|--|
| 219..... | 38286 | 663..... | 34266, 35765 |
| 252..... | 38286 | 672..... | 34884, 35004, 35487, 35489, 35765, 37478, 37906 |
| 332..... | 35472 | 675..... | 35487, 35489, 37731, 37906 |
| 333..... | 35472 | 683..... | 36907 |
| 501..... | 37889 | | |
| 503..... | 37889 | | |
| 505..... | 37889 | | |
| 519..... | 37889 | | |
| 532..... | 37889 | | |
| 552..... | 37889 | | |
| 570..... | 37889 | | |
| 2509..... | 34881 | | |
| 2527..... | 34882 | | |
| 9900..... | 34167 | | |
| 9902..... | 34167 | | |
| 9903..... | 34078, 34167 | | |
| 9904..... | 34078, 34167 | | |

Proposed Rules:

| | | | |
|-------------|--------------|----------|--|
| 803..... | 37759 | 17..... | 34095-34100, 34892, 36380, 37507-37515, 37941 |
| 852..... | 37759 | 20..... | 35446, 38215 |
| 1819..... | 34094 | 216..... | 34101 |
| 1852..... | 34094 | 218..... | 34101 |
| Ch. 20..... | 37140 | 222..... | 34101 |
| 5415..... | 36051 | 226..... | 36626 |
| 5446..... | 37142 | 611..... | 35627 |
| 5452..... | 36051, 37142 | 625..... | 34107, 36055 |

49 CFR

| | | | |
|-----------|-------|----------|--------------|
| 107..... | 37900 | 642..... | 36972, 38810 |
| 171..... | 37900 | 662..... | 38657 |
| 571..... | 37902 | 663..... | 34757 |
| 1004..... | 38444 | 685..... | 35627 |
| 1063..... | 35763 | | |
| 1109..... | 35628 | | |

Proposed Rules:

| | | | |
|--------------|---------------------|--|--|
| 171..... | 36694 | | |
| 172..... | 34542, 36694 | | |
| 173..... | 36694 | | |
| 178..... | 36694 | | |
| 180..... | 36694 | | |
| 225..... | 34756 | | |
| 234..... | 36054 | | |
| Ch. III..... | 37392 | | |
| 392..... | 37504 | | |
| 395..... | 37504 | | |
| 571..... | 34539, 38462, 38654 | | |
| 1002..... | 35557 | | |

50 CFR

| | |
|----------|--|
| 17..... | 35473, 37478 |
| 20..... | 38202, 39072 |
| 215..... | 34081 |
| 227..... | 36906 |
| 630..... | 34264 |
| 661..... | 34085, 34883, 34884, 35764, 36021, 36607, 36608, 37906 |
| 663..... | 34266, 35765 |
| 672..... | 34884, 35004, 35487, 35489, 35765, 37478, 37906 |
| 675..... | 35487, 35489, 37731, 37906 |
| 683..... | 36907 |

Proposed Rules:

| | |
|----------|--|
| 17..... | 34095-34100, 34892, 36380, 37507-37515, 37941 |
| 20..... | 35446, 38215 |
| 216..... | 34101 |
| 218..... | 34101 |
| 222..... | 34101 |
| 226..... | 36626 |
| 611..... | 35627 |
| 625..... | 34107, 36055 |
| 642..... | 36972, 38810 |
| 662..... | 38657 |
| 663..... | 34757 |
| 685..... | 35627 |

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last List August 20, 1992

GUIDE: Revised January 1, 1992

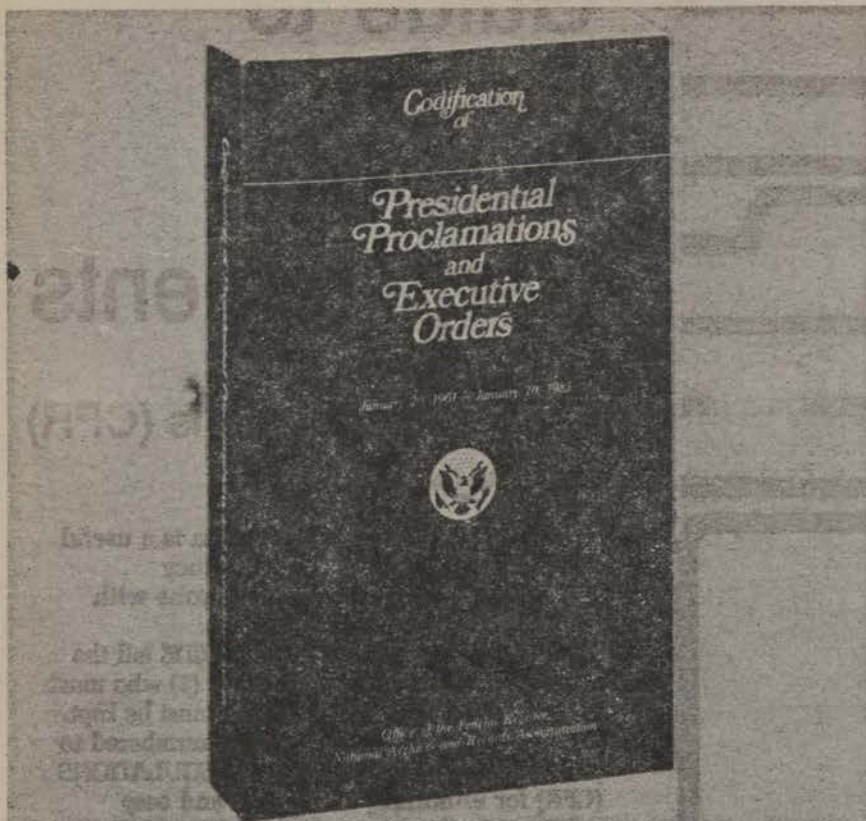
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